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EXPLANATORY NOTE

Out of the wealth of literature on trade unions, a limited selection for reprinting is planned to serve: 1. as a general historical, descriptive and critical exposition of the subject, 2. as the foundation for arguments on the benefits of trade unions to their members and to society.

Advanced students of the subject may see no need of the general literature of so time-worn a subject, and no room for argument on what appears to be a one-sided topic. It should be remembered, however, that in many parts of our country, particularly where agriculture is the chief industry, trade unionism is absolutely unknown to the people, except through newspaper publicity given when some outrage of public welfare is charged against unionism. With a view to making this handbook useful to people whose sole knowledge has come from such sources, no blindly partisan literature has been reprinted. The publications of the American Federation of Labor and the National Association of Manufacturers are listed in the bibliography, and may be had by corresponding with the officers of those organizations.

The bibliography is designed to be comprehensive enough to be of use to advanced students of the subject as well as to the general public and the debater.

An earlier number of the Debaters' Handbook Series on the Open versus the Closed Shop contains an extensive bibliography. Duplication of reprints contained in the earlier number has been avoided.

September, 1912.

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BRIEF

Resolved, That trade unions, as they now exist, are, on the whole, beneficial to society in the United States.

INTRODUCTION

I. The welfare of the laboring classes is inseparable from that of the nation, because:—
   - a. They include a vast majority of the people.
   - b. They are necessary to the industrial and social activities of the nation.

II. Labor's struggle for recognition and better conditions.
   - a. The serf.
   - b. The guilds.
   - c. The factory system.
   - d. The trade union.

III. Relation of laboring classes to capital.
   - a. Organized labor.
   - b. Organized capital.

AFFIRMATIVE

The affirmative believes that trade unions are, on the whole, beneficial, because:—

I. Modern conditions make organization necessary, for
   - a. The old relation of master and servant has disappeared, making collective bargaining imperative.
   - b. Capital is aggressively organized.

II. Trade unions have secured for all laborers:—
   - a. Recognition of the laborer's right to a living wage.
   - b. Higher wages.
   - c. Shorter hours of labor.
   - d. Better and safer places in which to work.
   - e. Recognition of right to compensation for loss of earning capacity due to the nature or accident of employment.
   - f. Increased stability of employment.

III. Trade unions are a personal benefit to individual laborers, for
   a. Greater efficiency is attained through union requirements of personal efficiency.
   b. Association with fellow workmen encourages the development of the social conscience.
   c. Provision for the emergencies of sickness, accident and death is made.

Negative

The negative believes that trade unions have not been beneficial to the people of the United States, because:—

I. They seek to limit the freedom of contract through
   a. Coercion of employers.
   b. Intimidation of non-union workmen.
   c. Interference with public comfort or necessity.

II. They discourage efficiency, for
   a. Many of them have no efficiency test for membership.
   b. They maintain few trade schools.
   c. They limit the number of apprentices, thus making room, artificially in a given trade for inferior workmen.
   d. They exact equal pay for good and poor workers.
   e. They limit the amount of work a laborer may do in a given time, gaged by the attainment of the slower laborers.

III. They are injurious to the public welfare, for
   a. They encourage lawlessness, as instanced by the violent behavior of strikers and labor leaders.
   b. They arouse the enmity of labor for capital.
   c. They openly advocate methods that are illegal, as instanced by the secondary boycott.
   d. They discriminate against and frequently mistreat non-union laborers, of whom there are many more in the country than there are of union laborers.
   e. They paralyze industry and cause great losses, through strikes and boycotts.
   f. They restrict the output, thus tending unduly to keep up the cost of commodities.

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A star (*) preceding a reference indicates that the entire article or a part of it has been reprinted in this volume.

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INTRODUCTION

It is difficult for the average American to bring a dispassionate and unprejudiced judgment to bear on the subject of trade unions. The fierce and bitter struggle between labor and capital has made partisans of a majority of those who have even a superficial knowledge of the subject.

Working people, on the one hand, begin to realize that no forward step will be taken in their behalf unless they demand it with sufficient unity and forcefulness to compel a hearing. Only through organization can they hope to better their condition—and only through wisely directed organization, at that.

The capitalist class, on the other hand, like the feudal barons, having gotten an advantage, regards this control over the efforts of laborers as a vested right—one which is not to be relinquished except through compulsion by an overwhelming force directed against it. At present, almost all the advantage is with capital, which has laws, courts, officials and legislatures at its service. The one chief advantage of labor—that of the natural, human tendency to sympathize with the under dog—is frequently nullified by the violent actions of organized labor.

History bears eloquent testimony to the need of the laboring classes for organization. Scarcely an inch of their upward way but has been won by violence, and collective action. Mere clamor has done little for them: the burning of hay ricks, the pike and liberty cap, bread riots, the strike, the boycott, the concerted action of workmen through trade unions have been the instruments of progress. No matter

what degree of vulnerability one may see in the trade unions as they now exist, no student of the subject can gainsay their claim to having forced from capital most of the currently recognized rights of labor.

In a popular government, such as is supposed to exist in the United States, labor has, if it would but use it, a remedy in the ballot for many of the unfair advantages taken of it by capital. The leading universal labor organization, the American Federation of Labor, has been averse to definite political action. It is also averse to strikes, and officially, to deeds of violence.

The plain private citizen is frequently puzzled by antipodal facts. He recalls the confession of Harry Orchard in the Moyer-Haywood affair, and the admitted guilt of the McNamaras at Los Angeles; he reads about the strike in the Lawrence textile mills, and learns of the shocking condition of laboring people there, and it is small wonder that his sympathies are divided, and his judgment as to what is his attitude toward labor and capital undefined.

The student, who carefully traces the history of the onward sweep of democracy, and who surveys conditions in the United States, will probably arrive at the following general conclusions:—

1. Organization, both of labor and of capital, is necessary and beneficial, provided that the object of such organization, in whole or in part, is to facilitate legitimate relations between them, and to promote the general welfare.

2. The general welfare requires that the great mass of our people should have decency and comfort rather than that an insignificant part of them should have insolent luxury.

3. Government will have to adjust the relations between labor and capital so as to secure:—

To labor.

a. A minimum living wage, healthful conditions of labor, comfortable housing, and reasonable leisure.

b. Education that will insure greater efficiency.

c. Adjustment of difficulties with employers without expensive recourse to biased courts.

d. Suitable provisions for the emergencies of accident, sickness, old age and other forms of dependency.

To capital.

a. A reasonable return on the actual investment in any well conducted and sagaciously planned business.
b. Immunity from ill-advised activity of organized labor, detrimental to business, and from violence.
c. Speedy and inexpensive settlement of difficulties with labor.

To the public.

Security from the disastrous effects, on the one hand, of financial disturbances due to the action of organized labor, and, on the other, from the oppression of working classes, with its inevitable reaction upon society.
4. The attainment of these ends of social justice should become a part of the religion of all true Americans.

Edna D. Bullock.

GENERAL DISCUSSION

Funk and Wagnalls Standard Encyclopedia of the World's Knowledge. 24: 283-8.

Trade Unions.

Trade unions, in the United States, where labor unions is a more commonly used name, are of later growth and of much less importance than in Europe. This is due to the comparatively late industrial development of the United States, the continual influx of new laboring classes, and the high degree of prosperity of the American workingman. Among early labor organizations were the famous Caulkers' Club of Boston, organized for political purposes in the first quarter of the 18th century, and the union of bakers which declared a strike in New York City (1742). Composed of members of different trades, and all in New York state were various workmen's societies.

Altho there were various workmen's societies at the beginning of last century, the year 1825 saw the real beginnings of the movement for the organization of labor with Robert Owen's Free Inquiry, the publication in New York of the Workingman's Advocate, quickly followed by the Daily Sentinel and Young America. Between 1827 and 1837, beginning in Philadelphia, the unions ceased being secret societies, and worked for free schools, a ten hour day, and the passage of laws giving laborers liens on their work for wages, forbidding imprisonment for debt, and repealing the conspiracy and combination statutes which barred labor organizations from cooperative effort and collective bargaining. In New York state a Workingman's Convention at Syracuse in 1830 nominated a candidate for governor, and secured abolition of imprisonment for debt. In 1832 a convention of delegates in the Massachusetts state-house declared for the ten hour day. Twenty-one trade societies united in 1833 to form

the General Trades' Unions of New York City, and in the next year general unions were formed in Boston, in Philadelphia, and in Baltimore, where in 1835 the United Hand-Loom Weavers' Trade Association was organized. In 1840 the movement won its first great victory; ten hours was declared a legal day for the employees in the navy-yards of the United States government. In 1840-42 the Journeyman Bootmakers of Boston were tried for conspiracy to force workmen into their union; the state Supreme Court reversed the lower court, and Chief-Justice Lemuel Shaw in a famous opinion declared the intention of the Association not illegal. The strength and brains of the movement at this time is sufficiently suggested by the mention of such names as Robert Owen, Albert Brisbane, George Ripley, Charles A. Dana, Theodore Parker, Wendell Phillipps and W. L. Garrison—all connected with the New England Working-m[illegible] Association (1845), and all more or less intimately d[illegible]es of Fourierism, which was effectively proclaimed by Brisbane in the popular and influential New York Tribune. Between 1850 and 1860, many of the large unions of the country were formed. The National Typographical union was organized in 1852 at Cincinnati, and in 1869 it changed its style from 'National' to 'International'—to include printers in Canada. The National Trade Association of Hat-Finishers of the United States was formed in 1854, and in 1868 a schism from it organized the Silk and Fur Hat Finishers' Trade Association; the Sons of Vulcan organized in 1858, and in 1876 with two other unions formed the Amalgamated Association of Iron and Steel Workers; and in 1859 were formed the Iron Molders' Union of North America and the Machinists' and Blacksmiths' Union of North America, which in 1877 became the Mechanical Engineers of the United States. At the close of this transition period, in 1860, there were in the country more than a score of national trade unions.

The period since 1860 is the important one in the history of American labor organizations. It is to be noted that in 1868 the Federal government made eight hours a working day for its employees, thus following up the order of 1840 for a ten-hour day in Federal navy-yards. There was, in

the early part of this period especially, an oft repeated attempt to join all the trades in a national organization. A National Labor Union, working for an eight-hour day, met in Baltimore in 1866 at the call of the presidents of different trade unions. It held a number of Conventions and in the Presidential election of 1872 supported Charles O'Connor, who received 30,000 votes. The panic of 1873 and the industrial depression immediately before and after brought many brotherhoods and unions to financial straits, especially as low dues and small benefits were the rule up to that time. This period (1860-75), marked by attempts to form general trade unions, all unsuccessful except that of the Knights of Labor, was a time of successful organization of special unions, particularly of railroad men. Other national unions dating from this same period are the Cigar-makers' National (1864), the Bricklayers' and Masons' International (1865), and the National Union of Horseshoers (1875).

The first successful general organization in the United States was the Knights of Labor. Great concentration of power and lack of trade autonomy is the most marked characteristic of the Knights of Labor.

In the period after 1875 there were again many attempts to organize laboring men of different trades in one union or order. In 1874 there had been an attempt to revive the National Labor Union. Branches of an 'international labor union' in seventeen states worked for an 'amalgamated' union of all laborers about 1877; and in 1878-80 the American Typographical Union tried to form a Continental Federation of Trades. The trade- (or labor-) union plan as contrasted with the absence of trade autonomy in the Knights of Labor, was growing in importance; and in November, 1881, 107 delegates (representing, it was claimed, 250,000 workmen) met in Pittsburgh and formed the Federation of Organized Trades and Labor Unions of the United States and Canada, which at a convention in Baltimore in December, 1887, revised its constitution and took the name American Federation of Labor. The Federation was not originally hostile to the Knights of Labor, but urged that the local assembly of the Knights, through the Federation, should work in harmony with the local unions, and admitted representatives

of both to its congress. But the trade unions distrusted the Knights, because the Knights did not promote or even allow trade autonomy. The Federation, on the other hand, believed firmly in trade autonomy, and was a union of the workers of a single craft. Newly-formed national trade unions, therefore, naturally allied themselves with the American Federation, and thus preserved independent jurisdiction —and a few of them remained nominally independent also. The American Federation claims jurisdiction over the national trade unions only when a dispute arises between different unions. Besides this opposition between the Federation and the Knights, there was a certain rivalry of propagandism. The Federation, in spite of its early wishes to harmonize with the Knights, refused to recognize double organization in any trade, because such organization made trade autonomy impossible; and as the Knights of Labor had no objection to dual organization and continually formed 'assemblies' in localities and in trades where 'unions' had already been organized, there resulted new opposition. On May 17, 1880, there was a conference in Philadelphia between representatives of the Knights of Labor and of the national trade unions. The treaty proposed by the unions and rejected by the Knights became a common platform for all the opponents of the Knights of Labor. The main points of this treaty were: that the Knights of Labor should not initiate any person or form an assembly in any branch of labor which had a national or international organization without the consent of the organization affected; that the Knights should not admit members who worked for less than union wages, or 'scabbed' (that is, worked through a strike), or embezzled the funds of a union; that, where the Knights had organized an assembly duplicating an existing union, the charter of such an assembly should be revoked and its members should join the union; that the Knights should revoke the commission of any organizer who attempted to disband a trade union; that there should be no interference by the Knights with trade unions on strike; and that the Knights should not issue labels competing with those issued by trade unions. If this plan had been adopted by the Knights of Labor, they would (to quote Professor

William Kirk) 'have become the central reform bureau of the labor movement'.

The question of dual organization came up in 1889 and in 1891, but in 1894 the Federation decided not to meet or confer with the Knights until they 'declared against dual organization in any one trade.'

The contest between the Federation and the Knights and the contrast between the two is clearly shown by their theory and practice in regard to the union label, to cooperation, to strikes and boycotts, to the reduction of working hours, and to politics and legislation.

In theory strikes were deprecated by the early assemblies of the Knights of Labor; but in 1882, after the order had ceased to be secret, rules were adopted for the support of strikes. The boycott was considered a less dangerous weapon than the strike by the Knights, and it has already been pointed out that the federal power of the General Assembly with its control over an inter-trade organization made the boycott a rarely efficient tool for the Knights of Labor. The Federation of Labor cannot make a boycott effective in the same way, tho its constituent trade unions (national or international) have the power, but only each within its own trade organization. The Western (or American) Labor Union, like the Knights of Labor, used its control of different trade organizations to promote sympathetic strikes which were uniformly unsuccessful, and which greatly lessened the prestige and influence of the central organization. The Federation has been fortunate in having no power to call a sympathetic strike, and its weakness in calling or controlling any strike has made it less ready to recommend coercion, altho in theory it has considered strikes as necessary and valuable means of promoting the welfare of organized labor.

Both the Knights and the Federation have worked for the reduction of the hours of labor; and the Knights of Labor have been able and willing to take part in politics, and to promote legislation for the betterment of labor conditions. The American Labor Union resembled the Knights of Labor in this respect and outdid them; in 1902 it ex-

pressed sympathy with 'international socialism' and adopted the entire platform of the American socialist party.

The American Labor Union collected a general defense fund from its entire membership. The Knights of Labor provide for voluntary contributions to a general fund, and allow district or local assemblies to control their own funds.

The benefit system is less developed than in English trade unions, and is less general. It has been most fully evolved in America in the Cigar Makers' Union and in the railroad unions. The influence of organized labor is clearly to be seen in the growing frequency of radical state legislation on the subject of employers' liability; and everything—notably the attitude of the 'House of Governors' in September, 1911—points to new and more radical legislation on this subject in the near future. Mention should be made also of the many pension schemes for employees adopted by many great corporations, especially railroads.

With the organization of trade unions in the United States, associations of employers have been formed and since 1895 there has been a National Association of Manufacturers which may be considered a rough parallel to the American Federation of Labor. The Stove Founders' National Defense Association (formed in 1886 after thirteen years of organization for purposes of trade) includes more than one-fifth of all the American stove manufacturers, employing more than one-half the men in that industry. It fought the Iron Molders' Union until 1891, and then agreed to arbitrate questions arising between it and the union. Other national employers' associations are those of the metal trades, of lake transportation, of machine construction, of publishing and printing (American Newspaper Publishers' Association, 1900), marble trade and structural builders' trades, and ready-made clothing. A Citizens' Industrial Association of America has many national and local sub-associations. Besides there are various local associations of employers.

The American Anti-Boycott Association, a powerful opponent of one of the methods of the trade unions, pushed the famous case (Loewe v. Lawler) against the Hatters' Union (supported by the American Federation of Labor)

for its boycott of Loewe and Company, hat manufacturers of Danbury, Conn. This case was carried to the Federal Supreme Court, and the boycott was declared illegal under the Sherman Anti-Trust Act. The labor organizations have made a strong effort to secure the passage of a federal law forbidding the use of funds appropriated in this act in the prosecution of trade unions; and of a bill to limit the meaning of conspiracy as applied to the action of unions. A similar decision in regard to boycotts was rendered in the Bucks Stove and Range Company case; and, as this decision was not rendered until the stove company had agreed to operate a closed shop (i. e. employ only union men) one of the company's stockholders, C. W. Post, an able opponent of the closed shop, asked for an injunction against this agreement. The injunction is still the most powerful weapon against the excesses of trade unionism, and is itself liable to be used in excess; in 1910 injunctions were issued against picketing (in the metal workers' strike in Los Angeles), against a sympathetic strike (in the shirt waist-makers' strike in New York), and against a strike for the closed shop (in the New York City cloak-makers' strike). Statute law is usually more favorable to labor organizations than judicial decisions, but it forbids picketing in Alabama, and boycotting in Alabama, Colorado, Illinois, Indiana and Texas. Laws forbidding an employer to require a pledge not to join a labor union have been passed in several state legislatures and by the United States Congress for railroads under the inter-state commerce commission, and have been declared unconstitutional by the state courts of Illinois, Kansas, Missouri, Pennsylvania and Wisconsin. Illinois, Montana, Oregon, Tennessee, and (1910) Massachusetts make it unlawful for employers to advertise for help during a strike without stating that there is a strike. Most of the states protect union trade-marks or labels, and a few require that all public printing must bear the union label. A Nebraska statute requires union labor on all state work, and a Kentucky law (1910) penalizes the employment of men on public works more than eight hours a day except in emergency.

Labor Question. pp. 96-113.

Washington Gladden.

The danger of the hour, as it appears to me, is that our captains of industry will array against themselves the gathering might of resistless democracy and be trampled in the dust. It would be far better for them, and for the common man, and for all the rest of us, if they would keep the leadership of industry. Leadership they can have if they have wit to claim it and sense enough to exercise it—leadership but not lordship. Industrial democracy wants leaders, but not autocrats; and large rewards and precious—not billions of dollars, but blessing and honor—are waiting for those who have the vision and the courage for this high service.

Industrial democracy means giving the wage-workers, through collective bargaining, a voice in the determination of their share in the joint product. It does not mean the domination of the business by the men and the subjugation of the employer, though this is the employer's apprehension, and this is the notion that sometimes gets into the working man's head. Mr. Kier Hardie, M. P., for whom I have great respect, spoke only the other day of the prospect that the working class was about to become the ruling class. Pardon, Mr. Hardie, but in democracy there are no ruling classes. We call no man master, not even the walking delegate. And inverted feudalism, with the common man on top, would be no whit better than the old fashioned sort with the common man under foot. We will have neither of them. You are not going to tyrannize over us, Mr. Kier Hardie, with your labor organizations, and we do not believe that you really want to do any such thing. You are going to stand by our side, with power in the industrial realm to assert and maintain your rights as men, and with a sense of justice in your breasts that will enable you to fully recognize the rights of your capitalist employer; and we are going to work together, all classes—men of capital, men of organizing talent, men of skill, men of brains and men of brawn—to build a real commonwealth.

So shall we realize our democracy. It has never been anything more than the skeleton of a democracy; so long as

industry is feudalistic it cannot be. But when the common man is emancipated and called into partnership by the captains of industry, we shall have a real democracy. No superhuman vision is needed to discern the fact that the confusions and corruptions of our political democracy are largely due to the disorganizing influence of this industrial feudalism, in constant contact with it, and continually thrusting its alien conceptions and ideals into the political arena. When industry is fairly democratized it will be much easier to reform our politics.

The relinquishment of autocratic power is not apt to be a welcome suggestion; the cases are few in which it is surrendered without a deadly struggle. But within the last generation we have seen the feudal rulers of Japan resigning their power and entering heartily into the life of the commonwealth, with great honor to themselves and great profit to their nation. It is not incredible that many of our own captains of industry will discern the wisdom of a similar sacrifice. Indeed, there are those among them to whom this solution of the labor problem seems altogether feasible.

The late William Henry Baldwin, Jr., whose biography has been so admirably written by Mr. John Graham Brooks, was a type of the class of employers to whom the democratization of industry is the way of life and peace. As a railway superintendent and president he had large experience in dealing with men, and all the positions taken in this chapter were held by him with the utmost firmness. Speaking of the extension of collective bargaining, he says: "The advantages of this system are very obvious in that it is a system founded on an intelligent treatment of each question at issue, and encourages education, and, as far as we can see today, is the most advanced method and liable to produce the best results. Collective bargaining and voluntary arbitration are possible, however, only when the employer recognizes the right of the employed to have a voice in the fixing of wages and terms of employment. If these billions of capital have to be organized to protect themselves against disputing rivalries, do not the laborers working for these organizations have the same need of combination? Do they not need it for the same reason? Is capital exposed to cut-

throat competition in any greater degree than labor is exposed to it? How can capital have the face to ask for combination in order to free itself from a murderous competition, when labor suffers every whit as much from the same cause?"

"I have heard Baldwin," his biographer goes on, "very eloquent on this subject. The deepest thing in him was his sense of justice. He felt it like an insult that the more powerful party should stoop to ask such odds against the weaker and more defenceless party." "We men at the top," says Baldwin, "must have combination, we must have our representatives and 'walking delegates'. We have everything that powerful organization can ask, with the ablest lawyers to do our bidding. Labor, to protect its rights and standards needs organization, at least as much as we need it. For capital to use its strength and skill to take this weapon from the working men and women is an outrage. I need, as an employer, an organization among my employees, because they know their needs better than I can know them, and they are, therefore, the safeguard upon which I must depend in order to prevent me from doing them an injustice."

This is getting right at the nerve of the whole matter. No wiser, braver, saner words were ever spoken. The labor question will be speedily settled when such a spirit of justice and fair play, such a recognition of the elementary rights of manhood, gets possession of the hearts of employers. Of the habit of mind that cannot concede so much as this, one can say nothing better than that it is unsportsmanlike. We give even the wild creatures a chance for their lives; and so long as the industrial struggle continues, the chivalrous employer will not insist that his employees shall go into the contest with their hands tied behind them.

Beyond this question of personal honor between employer and employee is one that touches very deeply the foundations of their social structure. "If capital refuses to labor what capital asks and takes for itself, what are the final consequences of that injustice? How, in the long run, is labor to take this defeat of what it believes to be its rights? Those capitalist managers, really hostile to the

unions, said to him in excuse that the unions checked and hindered the development of business prosperity. Baldwin had his answer: 'Even if that is true, it is better to get rich at a somewhat slower pace than to make millions of wage-earners lose faith in your justice and fairness.'"

Is it too much to expect that our captains of industry will give sober heed to words like these, spoken by one of their own number?

It is not, however, necessary to assume that the democratization of industry will prove any serious obstruction to the healthy growth of business. If the trade-unions have often shown themselves to be tyrannical and greedy, we must remember that they have been fighting, thus far, in an arena where belligerent rights were denied them; it is not to be wondered at that they have sometimes taken unfair advantages. When their rights are fully recognized, better conduct may be looked for. So long as they are treated as enemies it is not logical to ask them to behave as friends.

It would be interesting to study the origin of those trade-unions which have made trouble for employers. The cases are not all alike, but in many instances something like this has happened: some dissatisfaction on the part of the men has shown itself, and it becomes known to the employer that steps are being taken for the organization of a union. At once his displeasure is manifested. He feels that the action is hostile to his interest; his entire attitude toward it is unfriendly from the start. It becomes well understood among the men that those who join the union are exposing themselves to the ill will of the employer; that those who refuse to join may expect his favor. Thus the interests of the men are divided, and the non-unionist contingent is fostered by the manager as a force to check and defeat the unionists in the event of a struggle. Under such circumstances bad temper is generated on both sides, and the relations of all parties are badly strained. The manager refuses to recognize the union; that, he insists, would be an injustice to the loyal men who have refused to join it. If a union with such a history should prove to be a refractory and disturbing element in the business, it would not be a miracle.

Suppose, now, that when the first signs of an uprising among the men appear, the employer, instead of treating it with suspicion or hostility, welcomes it. Suppose he goes out among the men and says to them what Baldwin would have said: "Certainly, men, you must organize. I mean to treat you fairly, but I do not want you to be dependent upon my favor; I insist that you shall have the power to stand for your own rights. And I want all the men in this shop to join this union, and I expect the union to be my friend. This is not my business, not your business, it is our business. I shall study your interest and you will study mine; we will consult together about it all the while; I think we can make it go together. If you ask me for what I cannot give, I shall tell you so. And I hope you will learn to believe that I am telling you the truth. I shall stand for my rights if you are mean and unreasonable, and you will stand for yours, if you think I am unjust, but if we must fight we stand on the level and fight fair. I hope there will be no fighting."

Now it is possible that a group of American workingmen could be found who would make trouble for an employer who took that attitude and consistently maintained it, but I do not believe that there are many such groups. It would be visionary to expect that any method which man could devise would wholly remove friction and discontent, and a strong and firm hand would often be needed in carrying out such a purpose as this, but one may confidently predict that peace and prosperity are made nearer by this approach than on the lines of industrial feudalism.

It will be observed also that such a line of policy eliminates the question of the closed shop. If the employer wishes all of his employees to belong to the union, and makes it clear that union men are favored, the reason for a closed shop practically disappears. The employer's reason for an open shop is need of a force at hand to fight the union; when he makes the union his ally instead of his enemy, non-unionism becomes both to him and to his men a negligible quantity.

The man who takes up a purpose of this kind, whether he is proprietor or general manager, cannot be guaranteed

an easy job. It will not be possible for him to turn it over to subordinates; he will have to keep close to it himself. It will call for labor, for self control, for faith in men, for all the best qualities of mind and heart.

American Federation of Labor.

A Few of Its Declarations Upon Which It Appeals to All Working People to Organize, Unite, Federate, and Cement the Bonds of Fraternity.

1. The abolition of all forms of involuntary servitude, except as a punishment for crime.
2. Free schools, free text-books, and compulsory education.
3. Unrelenting protest against the issuance and abuse of injunction process in labor disputes.
4. A workday of not more than eight hours in the twenty-four hour day.
5. A strict recognition of not over eight hours per day on all federal, state, or municipal work and at not less than the prevailing per diem wage rate of the class of employment in the vicinity where the work is performed.
6. Release from employment one day in seven.
7. The abolition of the contract system on public work.
8. The municipal ownership of public utilities.
9. The abolition of the sweat-shop system.
10. Sanitary inspection of factory, workshop, mine, and home.
11. Liability of employers for injury to body or loss of life.
12. The nationalization of telegraph and telephone.
13. The passage of anti-child labor laws in states where they do not exist and rigid defense of them where they have been enacted into law.
14. Woman suffrage coequal with man suffrage.
15. Suitable and plentiful play grounds for children in all cities.
16. The initiative and referendum and the imperative mandate and right of recall.

17. Continued agitation for the public bath system in all cities.

18. Qualifications in permits to build, of all cities and towns that there shall be bathrooms and bathroom attachments in all houses or compartments used for habitation.

19. We favor a system of finance whereby money shall be issued exclusively by the government, with such regulations and restrictions as will protect it from manipulation by the banking interest for their own private gain.

20. We favor a system of United States government postal savings banks.

The above is a partial statement of the demands which organized labor, in the interest of the workers—aye, of all the people of our country—makes upon modern society.

Atlantic. 109: 441-6. April, 1912.

Trade-Unions and Public Policy: Democracy or Dynamite?
Henry Raymond Mussey.

Only a prophet, or the son of a prophet, would undertake as yet to forecast the ultimate results of the McNamara case, but it is clear that organized labor has been dealt a staggering blow. The brave talk of leaders of that movement is in part a mere whistling to keep up courage, and in part the result of failure to understand the situation, which from their point of view is about as bad as possible. For a generation the leaders of the American Federation of Labor have been advocating purely 'trade' policies,—collective bargaining, the joint agreement, the union or 'closed' shop, the control of apprentices, the direct and indirect restriction of output, with the strike and boycott always in reserve as possible weapons. Direct political action they have eschewed, and a separate labor party has been anathema to them. The McNamara case represents the complete bankruptcy of the trade policy.

The reason for this failure is simple. In the present state of industry and the law, the employer is stronger than his men. The law protects his property, and if he is willing to fight out the issue, he wins, in any legally conducted

struggle, with the aid of hunger and the courts. If labor conditions are bad and if the means of information are unusually good, public opinion may sometimes bring even a recalcitrant employer to terms; but, under ordinary conditions, one who is determined to fight to a finish can defeat his men if they keep within the law. Unionists have not recognized this fact, and have not recognized that American employers in general, despite lip-service to the principle of labor organization, do not believe in trade-unions. This lack of discernment has led unionists to a futile and disastrous reliance on 'trade' policies.

If the employers had been conciliatory, all might have been well; but they have preferred, on the whole, to fight the men's organizations, and in a long series of labor conflicts, running back to the great Homestead strike twenty years ago, have carried on successful war against them. During recent years, while the men have been struggling vainly for the closed shop, employers have been pursuing the union-smashing policy with increasing vigor and success.

In the course of the struggle, the unions have sometimes gained their ends by persuasion. Failing that, some of their members have resorted to threats and intimidation. Thence the transition has been easy to brickbats, and thence to dynamite. *Facilis descensus Averno.* Whether a strike can succeed in the face of stubborn opposition, if force and the possibility of force be eliminated, is a question at least open to grave doubt. In any case neither leaders nor rank and file have set their faces resolutely against every manifestation of violence. They could not do so; for though they may not have recognized it consciously, a background of potential violence was almost an essential condition to the successful pursuit of trade policies in the face of determined opposition from employers buttressed by the law.

In view of these conditions, the public has looked with some indulgence upon a certain degree of lawlessness, feeling that the men often had a good cause, and that the strike was a necessary means of obtaining justice. The logical result of such indulgence now stands revealed in the McNamara affair, and public opinion recoils in horror from what it has itself helped to create. What does it all mean? We

may well have reached a turning-point in our industrial and, perhaps, in our political life.

For the unionist it means a profound searching of heart and, perhaps, a change of leadership. It is unnecessary to discuss the charges of incompetency and bad faith so freely hurled at Mr. Gompers and his associates in this unhappy affair. Given the American employer as he is, these leaders are now shown to have been guiding labor into a *cul-de-sac* whence it could escape only by using force. The weapon of violence is now struck from its hand, and it must find a new one. Shall it be actual revolution or political action? The second alternative appears more probable, provided the courts leave open the possibility of progressive legal action.

Labor, it is to be hoped, will now see that the whole power of society will be exerted to repress the private use of force, will see that that way lies no salvation, will see that the old leaders have been unconsciously encouraging violence, and will, therefore, turn definitely from those leaders and their counsels and strike out in the new paths of direct political action, just as labor has done in England with such marked success. The Socialist party may well be the residuary legatee of the McNamara case, or we may possibly see an entirely new labor party. In either case, the result would be almost wholly desirable; for the labor movement would be proceeding along lines where results, though slow, would in time be possible of realization, because the rights and grievances of labor could be presented effectively at the bar of public opinion. Labor cannot get its progressive rights by its own unaided struggles. Such attainment involves a progressive change in ideas, laws, and institutions that can come about only as a result of informed public discussion. The difficulty with the trade policy is that it involves such discussion only between the two parties directly interested.

If the McNamara case should lead to a distinctly political labor movement, thoughtful persons might well rejoice. Such a movement would undoubtedly be democratic, radical, probably socialistic; it would have comparatively small regard for property rights, and comparatively great regard for personal human rights; it would certainly cause mem-

bers of the American Liberty and Property League to lie awake nights over its unsafe notions; it would do much blundering politically unless it were unexpectedly well led; it would probably advocate some economically impossible measures; and it would exercise a tremendous influence for good in our political, legal, and economic development. Under our two-party system of non-representative government we lack the machinery for getting at the facts necessary for intelligent public judgment of many important questions, and we have no proper organization to formulate and express such judgment. A labor party might well be of service in both the formation and the expression of sound public opinion.

To turn from the labor group, what will be the attitude of the public in view of the astonishing revelations and reticences of the Los Angeles trial? 'The public,' so-called, includes the farmers, the artisans in small places, the smaller tradesmen everywhere, and to some extent the large ones as well, the salaried and professional classes, in so far as they are not closely attached to large employers—in a word, it includes all those who are not directly parties to the struggle, those who are not employers or employeés in organized trades, or in industries where men work in large masses. Heretofore, this public, brought up in a tradition of ultra-individualism, has viewed suspiciously the combination of workmen in frank recognition of a class-interest; it has resented the invasion of the 'individual liberty' of the non-union workman by the union-shop policy; it has listened sympathetically to the employer's complaints of interference with the efficiency of his business; and it has reprobated the attack on civilization involved in the use of brickbats and dynamite, though it has rightly been unwilling to believe that any considerable proportion of union men favored the use of such weapons. On the other hand, it has had an uneasy consciousness that somehow the employer was getting undue power, and it has been inclined to give the union the benefit of the doubt as the only agency offering in any way to redress the balance; it has felt that so long as the methods used were not too outrageous, some allowance

ought to be made, because in the industrial world, save on the Fourth of July, all men are not free and equal.

To a public in this frame of mind have come the McNamara revelations. It has the confession of leaders in one union to two dynamite outrages; it has reason to believe that men in this same organization have been responsible for a long series of similar events; it has seen the leaders of organized labor rushing to the defense of these now self-confessed dynamiters; and now that the confession has come, it sees the leader of them all with nothing better to offer than the excuse that he has been cruelly deceived, and it finds itself wondering whether the whole labor movement is not run primarily for the benefit of a coterie of more or less lawless leaders.

In this new frame of mind, the public will doubtless be inclined to endure with far less equanimity than heretofore the inconvenience, suffering, and danger brought upon it by strikes, and to demand more insistently that employees patch up their differences with their employers without blowing society into bits with dynamite. Moreover, as the employer is usually the one who invokes the law, and the worker, so far as the public is informed, the one who places the dynamite, it is led to the conclusion that the employer, after all, was right in fighting these lawless organizations, as it now thinks them. Both the facts and the logic underlying this conclusion are confused, but the resulting state of mind contains possibilities of no less grave danger on that account, and it throws on employers a tremendous responsibility.

The American employer has on the whole been opposed to trade-unions. He recognizes the right of labor to organize, but—it must not make trouble about wages, it must not 'interfere' with the management of the shop or the conditions under which labor is carried on; it must not do any of the things for which, primarily, unions come into existence. So long as this simple condition is complied with, the employer favors the organization of his workers—otherwise not. As a result of the McNamara affair, employers' union-smashing organizations are likely to find their hands strengthened in the righteous work upon which they are en-

gaged, and are likely to push on with it. Let a union overstep the law ever so little, and they will pounce down upon it; the successful pursuit of trade policies will be even more nearly impossible in the next decade than it has been in the past.

A secondary effect may well be more considerate treatment by employers of their workers individually. They have won a great victory; they have labor down; they can afford to be magnanimous. Workmen's compensation, the installation of devices for sanitation and safety, welfare work of all kinds, these and other similar lines of action they may take up with even greater enthusiasm than heretofore. The employer is beginning to find that such work in the long run pays in dollars and cents. Furthermore, he honestly wants to do something for his employees. The things he wants to do are useful and will improve the condition of the laborer, but they will not solve the labor problem. The solution of that problem is just the task the employer must now set himself.

He can solve it temporarily by repression. Pittsburg has solved it for twenty years in that fashion, and today she sleeps on a volcano. Let the men of the American Manufacturers' Association and their like have their way, as they probably can do in the existing state of the public mind, and we shall have peace in the labor world—peace without justice, and dynamite at the end; for dynamite is the weapon of the man who feels that he can get justice in no other way. If employers wish such results on a nation-wide scale, let the repressive policy go on.

The labor-smashers, with their narrow vision, cannot be expected to see in the labor movement anything more than a sordid struggle for higher wages and shorter hours, combined with meddling interference with shop-rules by an ignorant and irresponsible walking delegate; the workers themselves for the most part may see it from the same point of view; but the situation demands a broader vision. Is it too much to expect broad-minded employers to catch a glimpse of the idea that the old labor movement, with all its blundering, represented a struggle toward the democratization of industry? That movement may have been

stupid, it may have hampered the efficiency of production, it may have contained elements that necessitated its destruction, but the fundamental moving spirit in it was socially right, for it was the spirit of democracy. Even the demand for 'recognition' of the union, the *bête noir* of American employers, with its concomitants of the closed shop and exclusion of the non-unionist, was at bottom democratic, for it meant that the men themselves demanded a share in determining pay and conditions of work. The battle for democracy in industry is lost for the present. Will the employer be wise enough to recognize that the wrong has triumphed because the right directed its attack unwisely? Will he realize that this hour of triumph gives him opportunity unexampled for public injury or for public service?

In the slow growth of real democracy, perhaps the most difficult problem at present facing us is the democratizing of industry, the reconciling of economic efficiency through large-scale production with non-autocratic management, making industry responsive to the needs and wishes of the men who work in it, and of the public whom it serves. This has given rise to the labor problem and the trust problem. The business man has been blindly struggling for what he considered his rights in both relations, that is, trying to maintain the *status quo*. Only a handful of concerns in the country are making any serious attempt at genuinely democratic organization. The old oligarchical arrangement looks so much simpler and easier, the men, in general, are so ill-fitted to participate intelligently in store and factory management, and the old system appears on its face so much more efficient, that few employers have the imagination or the courage to try anything fundamentally new. Instead, they insist on 'running their own business,' and trying to keep their men contented by means of welfare work, pensions, and similar improvements that leave control of important matters in the hands of the employer. Consequently no progress is made toward the solution of the real problem, which is to make the employer's business not simply his business, but that of every man concerned in carrying it on, and of the public that is served by it. Unless the employer can now be brought to realize that his

failure to face this problem is a fundamental cause of the McNamara affair and all it represents, and unless he can be brought to undertake the solution of the problem, it must be confessed that the prospect for the immediate future is not rosy.

It is idle to believe that the employer could for long ride victorious on the backs of a race of conquered workmen. Civilization has progressed too far for that, and revolution would quickly shatter such a society in pieces. But society cannot and will not endure, as the alternative to this, the breakdown of civil order and the creation of anarchy whenever employer and workman cannot come to terms.

It may be said, then, that the only escape is through socialism, public ownership and operation of the social industries. But merely to make industry public is to offer no guarantee of democracy within industry. Wages, hours, and conditions of work may be determined from above just as much as in privately-owned industry. Witness the New York street-cleaners' strike. Through the weeks of that strike nothing was more evident than the inability of the men to get their side of the case heard. The case may have been weak, but in any decently organized industry there ought to be a chance for a fair presentation of grievances, a full discussion of them, and a settlement that represents more than the mere fiat of some individual. Public employment offers no guarantee of any such thing; like private employment it is usually undemocratic. The solution must be worked out by adjusting the relations between employer and employed in public and private industry alike, and not by merely making private industry public.

From all this one definite conclusion seems to emerge. Orderly social progress at present is conditioned on employers' recognizing that their business is no longer their own, that its social responsibilities outweigh their individual rights in it, that they must serve the public so well that it will be satisfied with their administration, and must forward as rapidly as they can the process of democratization within industry itself so as to secure from their workers the necessary measure of coöperation in public service. Only by this means can they retain their leadership in the

world of industry. They seem for the moment to have triumphed over the dynamiters. Would they make that triumph real? Let them accept the necessary condition. They must make their choice—shall it be democracy or dynamite?

City Club Bulletin. 2: 279-91. February 17, 1909.

Political and Legal Policies of the American Federation of Labor. Raymond Robins.

The American Federation of Labor is the national federation of the organized workingmen in America. There were several other groups preceding its organization in the history of the labor movement in this country, but today, and for some twenty years past, the American Federation of Labor, with Mr. Samuel Gompers as its president, has been the national body representing the union wage earners of the United States. Of much more recent date, but in a similar capacity and degree, the National Association of Manufacturers with Mr. James W. Van Cleave as its president, is the national body representing organized capital in the United States. The forces represented by these two organizations are in fundamental opposition, and in the conflict that is in progress between them the issue has reached the Supreme Court of the United States on one aspect, and is now on appeal to the court of last resort in the District of Columbia upon another. These two militant groups that stand facing each other in the industrial struggle in this country are composed, as any large group of individuals will always be, of men that are honest and men that are not so honest, of men that are wise and men that are not so wise, and man for man they might not differ greatly in private morals or personal character. Yet, they are divided definitely and are in vital and bitter opposition as the result of a fundamental conflict in idea and purpose, and if we are to reach a sound social judgment upon the merits of this great struggle, we must understand this fundamental idea and purpose that inspires and dominates each group.

The National Association of Manufacturers is organized,

financed and controlled for the purpose of maintaining profits for the few from the labor of the many in the industrial undertakings of the United States. The American Federation of Labor is organized, financed and controlled for the purpose of securing and maintaining individual welfare, manhood and citizenship values for laborers in the industrial undertakings of the United States. There are, in the nature of things, a great many subsidiary issues, but this is the fundamental division. The vigorous opposition to child labor, to overtime and underpay for women, to dangerous machinery and to insanitary workshops by organized labor; and the indifference to all these conditions by organized capital, with similar divisions upon questions of employers' liability and old age pensions, are but natural and inevitable outgrowths of the fundamental idea and purpose dominating each group.

Here it would be well to remember that this struggle did not begin yesterday. Laborers had definitely organized in certain trades in the United States as early as 1806. By the middle of the last century organization among laborers in many crafts was well advanced. That it is only within the last generation that the labor question has bulked large in the problems of our national life, is due to two great influences in the history of our development as an industrial people—the one, the western frontier; the other, the personal relations between master and workman.

Until nearly the close of the last century, there was a more or less easy outlet for the surplus laborers of the United States. The great frontier was constantly relieving the centres of population from the pressure of too abundant labor, and whenever labor conditions tended to grow intolerable, workingmen went west. This frequent movement across the Alleghenies forced employers to consider the wages and working conditions of laborers in relation to such free opportunity, and it operated to insure such conditions as were tolerable in nearly all the trades. There is much interesting testimony written into the records and discussions of chambers of commerce and employers' clubs upon this important element in fixing the cost of labor. Side by side with the development of free opportunity in the

West was a second influence operating to ameliorate the conditions of the industrial struggle. For nearly a century the personal relations between master and workman, employer and employe, were direct, many times friendly, and nearly always humane. This relationship yet remains in isolated cases, but it is interesting now only for its past influence upon the industrial problem, and as a survival of a system that is rapidly passing away. As the corporation has advanced in the control of industrial capital, an impersonal, non-human, non-moral, and many times non-resident responsibility, has been slowly substituted for the old friendly, not to say fraternal, relationship between master and workman. The old sense of personal obligation has ceased to exist between employers and employes in many of the basic industries of the nation. Living, friendly employers have been transformed into cold, metalic capital, but the laborer remains as he was. He cannot be divorced from his labor; with body, brain and heart, as citizen, husband and father, he is all on the job wherever his labor is applied. The loss of this living and sympathetic reaction from employers is responsible in no small degree for the intensity and bitterness of the present industrial struggle. Thus it will appear that the closing of the outlet for surplus laborers towards the West came hand in hand with the steady advance of corporate control of industrial capital, and that both have united in the last decade to make the industrial struggle increasingly inevitable and increasingly intense.

It now remains to consider a change in leadership and methods that has taken place within each group under the pressure of the struggle. In the employers' group there have always been two types of men. One, the employer who by nature was reasonable and fair, and the other, the employer known as a 'labor skinner.' This latter type was never satisfied with the terms nor the results of the conflict between organized capital and organized labor as fought out on the industrial field. The reason is not far to seek. It is historically true that laborers made steady gains in conditions and wages so long as the contest between capital and workingmen was carried on by arbitration and trade

agreement. Organized laborers did not make these gains by reason of their superior ability or education. The time and place of these contests and settlements were usually chosen by the employers. A committee of plain men, often poorly educated, met around a table with the chosen representatives of capital, and there discussed wages, hours, and shop conditions with the ablest masters of industry in the land. And, generally there were from one to three keen lawyers present representing capital, paid for the purpose of objecting, disputing and contending against every clause in the agreement that involved a little more cost to capital. Any person in this room who has been present on such an occasion can recall the picture as I have described it.

Humanity, motherhood and childhood, a fair standard of living for American homes, the right to a wife and to children brought up under decent conditions—all these are demands fundamentally strong in the minds of the whole American people. It is very difficult for a group of living men to be wholly selfish when talking face to face. We become ashamed of our greed and indifference under such conditions. Thus it was that organized laborers made their advances on the industrial field by reason of the great human values and the essential justice involved in their claims, together with the silent yet powerful influence of public opinion. These results were so unsatisfactory to the 'labor skinners' among the employers of the country that they determined to reorganize and abandon the methods of conference, discussion of differences, and collective bargaining in the industrial conflict. As early as 1886, there were formed groups of organized capital, the executive management of which definitely opposed arbitration and the trade agreement, and sought to force the settlement of industrial disputes by conspiracy legislation and extensions of the writ of injunction. This move by organized capital is of first importance in understanding the legal and political policy of the American Federation of Labor. The first article of faith of these associations of capital is, 'We won't treat with organized laborers'; and the second is like unto it, 'We won't allow any walking delegate to interfere with our business.'

Since organization among laborers is a natural and common right, and is made increasingly necessary by the pressure of the industrial struggle, and since the walking delegate or shop steward or shop woman, is simply the representative of the laborers in the enforcement of the terms of their contract, it is a little difficult to see how it can be the business of capital alone, when 'our business' has to do with the livelihood and living conditions of many laborers. But this was the way they thought and this was the way they talked. These associations of capital raised large 'war funds,' hired able counsel, and sought out favored positions before legislatures and the courts. Driven from the industrial field of arbitration and trade agreement by the steady advance of public opinion and the increasing intelligence of organized laborers, these associations of organized capital have deliberately set up their guns in legislative lobbies and friendly courts, and have begun to shell organized labor with conspiracy laws secretly lobbied through legislatures, injunctions without notice, and affidavit imprisonments without trial-by-jury, through ignorant or prejudiced judges.

It is interesting to note that while these associations of capital fear the awakening of the political consciousness of organized laborers and their combination into an effective political force, they have adopted the very method that will insure this result. Ignorant of the fundamental character of the labor movement, indifferent to the graphic lessons of current history in Australia and England, in stupid arrogance and childlike defiance, they have set up their fortifications on the political field.

Let us now consider briefly the change in leadership and methods that has taken place within the group of organized laborers. Here again we find an internal struggle between two types for leadership of the group. The conflict from the beginning of organization has been between political labor leaders, and industrial organizers and trade administrators in the real sense. The political labor leaders have sought to use the industrial struggle for partisan political advantage and for personal gain. They have been sheltered and financed by both political party organizations, and when things were dull in politics, have now and again trafficked

in their influence over laborers for the advantage of rival organizations of capital. Leaders of this type as they became known in the labor movement, were classified as 'labor skates,' and have been uniformly more powerful in their words than in their deeds. Nevertheless, they have frequently betrayed the workers, sometimes for personal gains, and sometimes through ignorance of the real ends of organization among laborers. In the councils of organized laborers there has ever been a contest for control between the political and industrial leaders of the workingmen. It is necessary here to make an important distinction. Political action by organizations of laborers for partisan political purposes, or for personal preferment for their leaders is one thing, and political action for an industrial purpose in response to adverse industrial legislation, or prejudiced judicial interpretation, is a very different thing. The Knights of Labor went to pieces on the rock of political action that was partisan or personal in its expression or motive. The American Federation of Labor is today, and for some twenty-six years has been presided over by a man who rose to leadership in the national councils of organized laborers as the representative of the industrial organizing and trade administrative group, as against the political group in the labor movement of the United States. For a quarter of a century President Gompers has labored unceasingly against countless efforts to inject partisan and personal politics into the program of the American Federation of Labor. The extraordinary growth of the American Federation of Labor from a few thousand 'rebels' from the Knights of Labor, to a paying membership of over 1,600,000 union men, has been largely due to its definite and consistent adherence to an industrial program as distinguished from the political programs that have disrupted the other national organizations of laborers in this country.

It is interesting to reflect that the development of the organizations of capital has given control to its worst men and methods, while the development of the organizations of laborers has given control to their best men and methods. This directly opposite working out of men and methods in the two groups, doubtless reflects the fundamental difference

in the main idea and purpose of each. Profit seeking for the few leads to the triumph of narrow, selfish and arbitrary men, just as the seeking of individual human values for the many gives leadership to broadminded, sympathetic and democratic men.

We can now survey the field. We can see the organization of militant capital, seeking profit values from industry for the few, with its citizens' alliances, trade, employers' and manufacturers' associations culminating in the National Association of Manufacturers, with its war fund of $1,500,000, attorneys, detective and press bureaus, legislative lobbies, blacklists and injunctions; face to face with the organization of militant laborers, seeking human and citizenship values from industry for the many, with their local and international unions, city and state federations, culuminating in the American Federation of Labor with its 1,600,000 members, strike benefits, labor papers and unfair lists.

Let us now consider two conflicts between these forces, one in the equity court, the other in the legislature, and both in the State of Illinois, within the last five years.

The printers' organization known as the International Typographical Union, is one of the most highly skilled and conservative of the trade organizations of the world. In 1905 this union sought to establish the eight hour day in all the printing shops of this country. This move was defended by the officers of the union not only on the ground that eight hours was a reasonable work-day, but also on the ground that as it had been established largely in Australia and England and in some of the larger shops of the United States, to make the eight-hour day universal would prevent unfair competition by those shops in which the greed of capital sought to maintain a working day of nine or ten hours. It was a struggle between the fair working day that would leave enough time and energy for the human and citizenship values of the printer, and the anti-social working day that leaves the printer insufficient time or energy for his duties as a citizen, husband and father. The demand was granted in many shops, but in some cities organized capital in the printing trades preferred to fight the demand. The Chicago Typothetae was one of these organizations. A bill was filed in

the chancery division of the Superior Court of Cook County containing the usual allegations of conspiracy, boycott, coercion and violence against the members and officers of Typographical Union No. 16, the local organization of the journeyman printers of this city. Judge Holdom, sitting as chancellor, issued an injunction against Local No. 16 of the International Typographical Union, its officers and members, restraining them among many other things from certain acts in the language following:

> From organizing or maintaining any boycott against said complainants or any of them.
>
> From attempting to induce customers or other persons to abstain from working for or accepting work from said complainants or any of them.

Upon affidavits alleging various violations of the prohibitions of this injunction, Edwin R. Wright, president, and John C. Harding, secretary, for Local No. 16, both well known citizens of this city, each having been honored with important public trusts, the one by a Republican governor of the state, and the other by a Democratic Mayor of this city, were summarily sentenced to prison, and the local union was fined $1,000. In commenting upon this decision Mr. Harding said: 'The injunction was doubtless sought with the intent that it should be disobeyed. In the exercise of our necessary and legal duties as officers of the union, we could not help but disobey this writ. It seems to have been sought for the purpose of imprisoning the officials of the union without due process of law, to the end that the work of the union should become disorganized, and the printers frightened into submission and the abandonment of their just demands.' Public opinion became so aroused over this sentence, that its enforcement was abandoned, and neither the imprisonment nor the judgment of fine was ever executed. There is no statute in the laws of Illinois that makes the peaceful soliciting of one workingman by another not to work for an employer an illegal act. Nor is there any statute that makes the exercise of public opinion upon industrial conditions in the form of the direct boycott an illegal act. Both actions are believed to be within the constitutional guarantees of the federal and state constitutions, and both are deemed necessary for the effective functioning of public opinion in behalf of fair working conditions by all

men in the labor movement, and by all authoritative students of social problems in this country and in England.

Now for the legislative lobby. This afternoon, as you gentlemen sit in your chairs, the worker in Illinois, man or woman, engaged in a dangerous trade is less well protected by law than if he or she were working in Finland. You may remember a discussion held at this club upon the merits of a proposed bill then pending in the legislature for the protection of workers in dangerous trades in the state of Illinois. In that discussion a union man, president of an organization of woodworkers in this city, made the following statement:

Having worked in the woodworking industry for the past twenty years, I think I know something about the danger of woodworking machinery. It is not alone that men are losing their limbs, but the fact is universally recognized that a mechanic who works on a shaper finds it difficult to get a job if he has all his fingers, because the foreman won't think he has had sufficient experience.

The passage of that bill as here discussed was advocated by the organized laborers of this state, and by many other organizations interested in the social welfare of the people of Illinois. Organized capital in the form of the Illinois Manufacturers' Association opposed this bill. Mr. John M. Glenn, secretary for the association, appeared at Springfield to block its passage and circulars containing false statements were sent out over the state by the association. This campaign carried on by the peculiar methods of the Illinois Manufacturers' Association was successful, and 'the protected machinery bill' was defeated in the legislature. Thanks to organized capital, we have suffered two more years of the harvest of industrial cripples in this State.

Now, if organized capital goes into politics for industrial purposes, what will organized labor be forced to do? If organized laborers are prevented from protecting the lives and limbs of the workers, and are denied the exercise of free speech and free press in their efforts to secure the eight hour day, by the power of organized capital using the political and judicial functions of the whole people in the interest of profits for a few, what must be the inevitable answer of the organized workers? And when organized laborers do go into politics, will it be from desire, or from the necessity to protect their lives and liberties forced upon them by organized capital? Organized laborers cannot afford competent

lobbies in the legislatures nor the more expensive lawyers before the courts. Neither can they afford the time for long legal battles. While organized capital may wait complacently for the outcome of extended legal battles, organized laborers will starve.

By the methods which I have set forth, organized capital has for the last ten years made a systematic and sustained attack upon the wages and working conditions of the laborers of this country. The nature of this attack, using as it does all the forms of law, and covered as it has been by a very skillful censorship of the press—for organized capital is the great advertiser as well as the great employer—caused many thoughtful men of labor and many other men and women interested in the social welfare of our people independent of any personal association with organized laborers, to fear that it might operate to change the form of labor organizations in this country. I say, 'change the form of labor organizations,' for it is at once utterly ignorant and childish to speak of destroying the organization of labor. It is possible to force great social currents into new channels—sometimes subterranean and dangerous to the ancient foundations of social order—but it is impossible permanently to dam up the waters of progress in the modern world.

Such was the condition of the industrial struggle in this country when out of the clear, as it were, there came down from the Supreme Court of the United States on the 3d of last February a decision in the case of Loewe vs. Lawlor, known throughout the industrial world today as the 'Danbury hatters' case.' This decision sustained the general doctrine which the organized capital of the country has sought to establish, to the end that any really effective action by the organized laborers of the country in combination to promote the welfare of the workers, is in the nature of a conspiracy against property rights and a violation of the prohibition in the Sherman anti-trust law against combinations in restraint of trade. For the purposes of the penal provisions of this statute a trade union is a trust. Perhaps the union men here present did not know that they were trust magnates, and that President Gompers is the greatest trust magnate in the United States.

Thus a law passed nineteen years ago for the purpose of protecting the people from the trust control of commodities, while powerless for the purpose for which it was passed, has become at last a deadly weapon in the hands of these same trusts for breaking up the organizations of laborers in the interstate trades. Its gums are toothless when it bites on oil combines, railroad combines or steel combines seeking profit of millions a year, but its teeth are sharp and cut deep into the life arteries of labor organizations seeking to protect human values for the individual laborers of the country. This decision found that the United Hatters of North America, one of the oldest organizations of laborers in the world, when seeking to bring all hat factories under the trade agreement and union shop conditions was a conspiracy, and that when they told each other through their trade journal that Mr. Loewe was making hats under anti-social and unfair conditions, and for the welfare of their brother and sister workers they should not wear Loewe's hats, that such publication was a combination in restraint of trade. Under this decision Loewe may collect triple damages against the union or against the individual members of the union, whether they participated in the strike, whether they knew of the publication of the 'unfair' notice or not. This decision is chiefly remarkable for its extraordinary finding in the following language of the chief justice, who said in delivering the opinion of the court:

> That the conspiracy or combination was so far progressed that out of eighty-two manufacturers of this country engaged in the production of fur hats, seventy had accepted the terms and acceded to the demand that the shop should be conducted in accordance, so far as conditions of employment are concerned, with the will of the American Federation of Labor.

Thus in conflict with the whole trend of modern opinion upon both social gains and industrial peace, the Supreme Court finds that the fact of a trade agreement in seventy out of a possible eighty-two factories is material evidence of a conspiracy in restraint of trade. Passing over the ignorance of the court regarding trade agreements manifest in its suggestion that the American Federation of Labor ever made any shop requirements for any trade, it is clear that the court holds a point of view regarding the social aspect of organizations among laborers, which is a survival of the

individualist system of production, a system that has been dead all over western civilization for a generation. Fair-minded employers have given convincing testimony to the value of trade agreements between organized laborers and themselves, not only in maintaining industrial peace, but in preventing the baneful competition of sweatshop products with goods made under fair working conditions. Government officials, national and state, have borne witness to the beneficent power of organized laborers in aiding the enforcement of school, factory, sanitary and health regulations. Enlightened ministers of the Gospel and teachers of morals have testified to the inherent strength of the union among laborers in strengthening and defending the morality of the individuals within the organization. Upon this high consideration for the social welfare, let me submit a case in point, that will illustrate the moral significance of this very organization that the Supreme Court has found to be 'a conspiracy in restraint of trade.'

In a city on the Atlantic coast are two hat factories within two blocks of each other. In one of these factories the girls in the trimming department are organized as a local of the United Hatters of North America. In the other factory the girls in the trimming department are not organized. A little over a year ago the foreman of the floor where the trimmers work in the unorganized factory insulted one of the girl trimmers. She stood her ground and told him in plain language what she thought of him. She was discharged for insubordination. This girl wrote to the owner of the factory and had a registry receipt purporting to be signed by him. She never received any reply, and was out of work for some weeks. Some months after this incident a similar insult was offered to a girl by the foreman on the trimming floor of the organized factory. The girl who was 'shop woman' on that floor for the United Hatters of North America went to this foreman and said, 'You cut that out. We won't stand for anything like that in this shop.' He replied, 'You go to h—l! What have you got to do with it anyhow?' She answered, 'I've got a whole lot to do with it, and if you don't go to that little girl and apologize I will call a shop

meeting right now.' He repied, 'If you do, I'll fire you.' She said, 'No you won't either!'

Then this little woman who is less than five feet tall, 'called shop,' and 170 odd girls laid down their work. She told the girls what the trouble was, and they agreed that they would starve before they would go back to work if the foreman didn't apologize to the little foreign girl he had insulted. Here the general superintendent came into the controversy, and after a conference in the office the foreman was discharged, and that little woman is still shop woman on that trimming floor, and there isn't any foreman in that factory who thinks he can insult a girl while she is at work just because she is a foreigner and poor. Now I submit that the organization of laborers known as the United Hatters of North America had more power on that trimming floor, not only to preserve fair wages and hours, but to preserve individual virtue and the hope and fidelity of the home for poor and sorely tempted working girls, than all the churches and universities within the limits of that city. Yet this is the organization that, in extending its benefits to other workers in other factories, is condemned as 'a conspiracy in restraint of trade!'

This decision awakened the leaders of organized labor from one end of the country to the other. Here was judicial recognition of an industrial war doctrine of organized capital that, if maintained and established would outlaw all effective organization among the laborers of this country, and operate to make unfair working conditions national in the United States. The Executive Council of the American Federation of Labor called a conference at the City of Washington to consider the effects of the decision and to plan the wisest action for the organized laborers of the United States. It met on the 18th day of March, and was the largest gathering of representative labor men ever assembled in this country except at a national convention of the American Federation of Labor. What did they do? Did they resolve to go into politics in behalf of the Democratic Party? They did not resolve that way, and what is more to the point, they did not act that way. Among the men there present were Republicans, Democrats, Hearstites, Socialists and Independ-

ents. They decided on a policy. What was this revolutionary policy? It was first to go before the proper committees of Congress and advocate an amendment to the Sherman anti-trust law. It was to appeal to the same authority that had passed the law nineteen years before and say: 'On the record of the discussions upon this act it appears that this law was passed to curb the greed of the great trusts that were seeking to control the commodities necessary to the life of the people. This law has been now so interpreted, that while powerless for its original purpose, it can be made most injurious to the welfare of the organized laborers of the country, and we ask you to amend it so that it shall conform to the purpose for which it was enacted into law.' If Congress should amend the act, then the matter was at an end; if Congress should fail or refuse, then each political party convention was to be urged to adopt a plank in its platform favoring these demands, and the party and candidates that should comply were to be supported at the polls by the recommendations of the American Federation of Labor. This plan was carried out to the letter.

Was this a revolutionary or unreasonable policy for free men in a free country? A memorial of these demands was submitted to Congress. The President of the United States sent a special message to Congress recommending an amendment of the Sherman anti-trust law. The memorial and the message of the President were buried in committees, and the proposals were never permitted to reach discussion on the floor of the House. This Congress was largely Republican in membership. The responsible leaders in the House stated with cynical indifference that they were responsible for the measures that were passed and for the measures that were not passed. Still the American Federation of Labor took no partisan stand. They hoped that the party of Lincoln, when assembled in national convention, would consider favorably the well-being of the organized laborers of the country and would adopt a plank in the national platform promising the needed relief. Mr. Gompers appeared before the resolutions committee of the Republican convention and advocated the adoption of provisions set forth in a proposed plank. These provisions in every substantial particular were

rejected by the resolutions committee of the Republican convention, and their report was adopted by the convention. Mr. Gompers then went before the resolutions committee of the Democratic convention in Denver, and in all substantial particulars the provisions rejected by the Republican convention were adopted by the Democratic convention. The Democratic platform and all candidates who agreed to abide by its provisions were recommended for election by the people by the executive council of the American Federation of Labor.

Now I shall assume that it is unnecessary for me to show that the result of the recent national election has small importance in determining the outcome of the industrial struggle in this country. The futile and stupid claims of those critics who suggest that organized laborers have entered politics, have been defeated and that the contest is over, deserve no consideration before this audience, I am sure. It is well to remember, however, that industrial organization among the laborers of this country has been in process for over a century, and that industrial organization is not yet complete. No intelligent person had any expectation that party ties and the great lines of political division in national politics could be wiped out by an industrial issue in a six months' campaign. It is true, however, that in certain states there was an extraordinary change in the votes of the organized laborers. This is common knowledge to those who look behind the headlines and analyze the actual returns. It is also true that the industrial issue in the last campaign was of sufficient importance to induce the President of the United States to make the welfare of organized laborers a leading subject in his campaign letters, and to induce the candidates for president of both great parties to finish their campaign speaking with the 'labor issue' as the central theme. President-elect Taft went so far as to proclaim himself a better friend of organized laborers than was President Gompers himself. He will have ample opportunity to establish his claims in this particular to the satisfaction of the laborers who voted for him before the next presidential election.

Within a few days after this election the national con-

vention of the American Federation of Labor was convened in the City of Denver. President Gompers submitted a report as national executive officer of the organized laborers of the United States which had been prepared before the result of the campaign was known. Nothing could better indicate the non-partisan and enduring quality of the industrial policy of organized laborers than the fact that this report with its recommendations written before the election, should have been adopted unanimously without the change of a word in a great national convention of laborers, after the results of that election had passed into history. I quote the following extracts from this report as the most illuminating as well as authoritative statement upon the subjects discussed:

The decision of the Supreme Court in the Hatters' case involves every wage worker of our country, men and women, white or black, who associate themselves permanently or temporarily to protect or advance their human rights.

I have already pointed out that the life-long environment of men may pervert their judgment, and that the environment of the respected gentlemen who compose the Supreme bench has been such that they have not been brought into practical and personal contact with industrial problems; that, on the contrary, their associations have largely been with business and financial men; that naturally a man absorbs most of his point of view from his environment; that it is, therefore, quite understandable that the justices of the Supreme Court should have little knowledge of modern industrial conditions, and less sympathy with the efforts of the wage workers to adapt themselves to the marvelous revolution which has taken place in industry in the past quarter of a century.

The ownership of a free man is vested in himself alone. The only reason for the ownership of bondmen or slaves is the ownership of their labor power by their masters. Therefore it follows that if free men's ownership of themselves involves their labor power, none but themselves are owners of their labor power. If a free man by choice or by reason of his environment sells his labor power to another and is paid a wage in return therefor, this wage is his own. This proposition is so essentially true that it is the underlying idea upon which is based the entire structure of private property. To question or to attempt to destoy the principle enunciated involves the entire structure of civilized society.

The free man's ownership of himself and his labor power implies that he may sell it to another or withhold it; that he may with others similarly situated sell their labor power or withhold it; that no man has even an implied property right in the labor of another; that free men may sell their labor power under stress of their needs, or they may withhold it to obtain more advantageous returns. Any legislation or court construction dealing with the subject of organizations, corporations or trusts which curtail or corner the products of labor can have no true application to the association of free men in the disposition or withholding of their labor power.

The attempt to deny to free men, by injunction or other process, the right of association, the right to withhold their labor power or to induce others to withhold their labor power, whether these men be engaged in an industrial dispute with employers, or

whether they be other workmen who have taken the places of those engaged in the original dispute, is an invasion of man's ownership of himself and of his labor power, and is a claim of some form of property right in the workmen who have taken the places of strikers or men locked out.

If the ownership of free men is vested in them and in them alone, they have not only the right to withhold their labor power, but to induce others to make common cause with them, and to withhold theirs that the greatest advantage may accrue to all. It further follows that if free men may avail themselves of the lawful right of withholding their labor power, they have the right to do all lawful things in pursuit of that lawful purpose. And neither court injunctions nor other processes have any proper application to deny to free men these lawful, constitutional, natural and inherent rights.

In the disposition of the wages returned from the sale of labor power, man is also his own free agent. He may purchase from whomsoever he will, or he may give his patronage to another. What he may do with his wages in the form of bestowing or withholding his patronage, he may lawfully agree with others to do.

No corporation or company has a vested interest in the patronage of a free man. Free men may bestow their patronage upon any one or withhold it, or bestow it upon another. And this, too, whether in the first instance the business concern is hostile or friendly.

To claim that what one man may lawfully do when done by two or more men becomes unlawful or criminal, is equal to asserting that nought and nought makes two.

* * * * *

Injunctions as issued against workmen are never applied to, or issued against, any other citizen of our country. These injunctions are an attempt to deprive citizens of our country, when they are workmen, of the right of trial by jury. They are an effort to fasten an offense upon workmen who are innocent of any illegal act. They are issued in trade disputes to make outlaws of men who are not even charged with doing things in violation of any law of state or nation. These injunctions issued in labor disputes are an indirect assertion of a property right in men, when these men are workmen engaged in a legitimate effort to protect or to advance their natural rights and interests.

The writ of injunction, beneficent in its original purpose, has been perverted from the protection of property and property rights, and extended to the invasion of personal rights and human freedom.

It is an exhibition of crass ignorance for any one to assert that we seek to abolish the writ of injunction. The fundamental principles upon which injunctions may rightfully be issued are for the protection of property and property rights only.

He who seeks the aid of an injunction must come into court with clean hands. There must be no other adequate remedy at law.

The injunction must never be used to curtail or invade personal rights.

It must never be used in an effort to punish crime. It must never be used as a means to set aside trial by jury.

Yet injunctions as issued against workmen are used for all these purposes, and are never used or issued against any other citizen of our country for such purposes, and not even against workmen unless they are engaged in a labor dispute. Such injunctions have no warrant in law, and are the result of judicial usurpation and judicial legislation, which usurp the place of congressional legislation and are repugnant to constitutional guarantees.

Here we have the political and legal policies of the American Federation of Labor. Upon examination they will appear a necessary resistance to the efforts toward the industrial servitude of laborers as sought by organized capital and the natural extension of human rights under the development of our industrial democracy.

Since this report was adopted, there has been another decision of national importance in this controversy. The Supreme Court of the District of Columbia upon a motion alleging contempt, and charging the violation of a writ of injunction granted in the Buck's Stove & Range case, has sentenced President Samuel Gompers, Vice President John Mitchell, and Secretary Frank Morrison to prison. The original writ of injunction in this case forbade Gompers, Mitchell and Morrison among many other things:

> * * * From interfering in any manner with the sale of the product of the complainant's factory or business by defendants, or by any other person, firm or corporation.
>
> * * * From publishing, or otherwise circulating, whether in writing, or orally, any statement, or notice, of any kind or character whatsoever, calling attention of the complainant's customers, or of dealers or tradesmen, or the public, to any boycott against the complainant, its business or its product, or that the same are, or were, or have been declared to be "unfair," or that it should not be purchased or dealt in or handled by any dealer, tradesman, or other person whomsoever, or by the public, or any representation or statement of like effect or import, for the purpose of, or tending to any injury to or interference with the complainant's business or with the free and unrestricted sale of its product.
>
> * * * From printing, issuing, publishing or distributing through the mails, or in any other manner any copy or copies of the *American Federationist*, or any other printed or written newspapers, magazine, circular, letter, or other document or instrument whatsoever, which shall contain or in any manner refer to the name of the complainant, its business or its product in the "We Don't Patronize," or the "Unfair" list of the defendants, or any of them, their agents, servants, attorneys, confederates, or other person or persons acting in aid of or in conjunction with them, or which contains any reference to the complainant, its business or product in connection with the term "unfair" or with the "We Don't Patronize" list, or with any other phrase, word or words of similar import.

In discussing the matter of this alleged contempt, the counsel for the defendants, Judge Alton B. Parker, for many years chief justice of the highest court of the State of New York, in argument in open court said as follows:

> But it was not so much this particular holding that seemed to labor a most serious injury, although of course its purpose was to contest that in the courts; it was a feature of the order which was not discussed in the opinion which aroused the in-

dignation, and, I may say, just indignation, in my judgment, of the labor leaders throughout the country.

I am here to say that I believe that if the question had ever been presented to the judge, that particular feature of the order, and discussed before the judge, I believe it never would have been entered, and it will be my contention here today in part that so much of the order—if that is the meaning of it—and I am afraid it is—that so much of the order as lays upon any one, Mr. Gompers or any one else, a command that they shall not discuss that decision, **that there shall be no longer freedom of speech,** that they shall not tell their organizations about it, about what has happened and what the court has decided, practically that they shall not go to Congress and ask for legislation relieving them from what they regard as an improper law, that they shall not write editorials about it, I shall contend before your honor before I finish that that part of the order is absolutely void. It offends against the constitution of the United States, that section of the constitution which attempts to prevent the abridgment of the liberty of the press and of free speech. **If an act of Congress attempted to establish by statute the result which has been attempted here by order and the question were presented to the court, the court would say, you need pay no attention to it, it is wholly void; and so a decree of court which offends against the constitution is likewise wholly void, and need not be obeyed, for when the question of its enforcement comes up it would be precisely the same thing as an attempt to enforce a law of Congress which was declared unconstitutional, and both would be void. Each represents separate and distinct departments of the government, and neither has any power not conferred by the constitution, or as against the rights given by the constitution.**

In his report as president of the American Federation of Labor, submitted and adopted at the last national convention in Denver, referring to this case in the matter of the original writ of injunction, Mr. Gompers said:

If all the provisions of the injunction are to be fully carried out, we shall not only be prohibited from giving or selling a copy of the proceedings of the Norfolk convention of the American Federation of Labor, either a bound or unbound copy, or any copy of the *American Federationist* for the greater part of 1907, and part of 1908, either bound or unbound, but we, as an executive council, will not be permitted to make a report upon this subject to the Denver convention.

It is impossible to see how we can comply fully with the court's injunction. Shall we be denied the right of free speech and free press simply because we are workmen? Is it thinkable that we shall be compelled to suppress, refuse to distribute and kill for all time to come the official transactions of one of the great conventions of our Federation?

Now it is the American Federation of Labor and the *American Federationist* which are enjoined from the exercise of the right of free speech and the liberty of the press. In the future it may be another publication, and this injunction will then be quoted as a sacred precedent for future and further encroachments upon the rights and liberties of our people. The contention of labor with the Buck's Stove and Range Co. sinks into comparative insignificance contrasted with the great principles which are at stake. Is it imaginable that inasmuch as the constitution of our country guarantees to every citizen the right of free speech and free press, and forbids the Congress of our gov-

ernment from enacting any law that shall in any way abridge, invade or deny the liberty of speech and the freedom of press, that a court by the issuance of an injunction can invade and deny these rights?

There is no disrespect on my part to the judge or the court when with solemn conviction I assert that this invasion is unwarranted. The wrong has grown from the precedent set by previous injunction abuses, and the judge in this instance has but extended the process. The suppression of freedom of the press is a most serious undertaking, whether in autocratic Russia or in the republic of the United States. It is because the present injunction and the contempt proceedings thereunder suppress free speech and free press that I feel it my duty to enter a most emphatic protest.

For ages it has been a recognized and an established principle that the publisher shall be uncensored in what he publishes, though he may be held personally and criminally liable for what he utters. If what is published is wrong, or false, or seditious, or treasonable, it is within the power of the courts to punish him by applying the ordinary process of law. If what is published is libelous, the civil and criminal laws may be invoked. The right to freely print and speak has grown up through centuries of freedom. It has its basis in the fundamental guarantees of human liberty. It has been advocated and upheld by the ablest minds. Tremendous sacrifices have been made in its establishment. These rights must not, cannot and will not be complacently surrendered—they must not be forbidden by a court's injunction.

Passing over the many other unjudicial characteristics of the opinion of the court sentencing Gompers, Mitchell, and Morrison to jail for contempt in violating this injunction, I quote the following illegal and despotic finding in the language of Mr. Justice Wright, who in delivering this sentence said:

I place the decision of the matter at bar distinctly on the proposition that were the order confessedly erroneous, yet it must be obeyed.

Here we have the full limit of judicial usurpation expressly stated and upheld. Should this interpretation of judicial authority be finally maintained, constitutional liberty will have ceased to exist in this Republic.

Let us pause for a moment to consider independently this matter of the boycott. Such use of the power of public opinion has rather an honorable place in the history of this Republic. It was the courageous application of the boycott that precipitated the Revolution of 1776. Some people of Boston would not use tea that carried a stamp which was the symbol of British tyranny. The boycott was one of the weapons of the great anti-slavery struggle, and was used with great force and effect against the slave power in the United States. From the birth of this nation as a free

people, until this hour, the boycott has been a first force in our civilization. Shall it be finally denied to those organizations fighting for the citizenship values of human labor in the industrial processes of the nation?

Why do the organized 'labor skinners' in this country hate the boycott so bitterly? It stops the sales of their anti-social products! It makes public opinion effective and materializes it into dollars and cents. It gets the public conscience 'on the job' through the purchasing power of the public. Just as King George had to repeal his stamp acts when the sales of British tea fell off, just so organized capital must repeal its anti-union edicts when the products of its factories are refused by the buying public.

Why does organized capital seek the extension of the writ of injunction so eagerly? Because it evades the trial by jury! It is a method that juggles away those constitutional safeguards put about every citizen before he shall be adjudged a criminal in every other process known to our courts. If the injunction is to be used to evade regular trials at law, the right of cross-examination of witnesses and the necessity of a verdict by a jury, and thus put into the keeping of one man the rights and liberties of many men, such a far reaching fact is worthy of the very highest public concern.

The industrial struggle to thoughtful men and women, is *the* struggle of this generation. This is an industrial age, and we are an industrial people. All other contests are side issues as it were. Morality, intellect, and health for the individual; politics, religion, education for the community are becoming more and more mere aspects of this supreme conflict. Let us state this in another way. To a young man who lives in a West Side tenement and works for his daily bread as a common laborer, the conditions of his industrial relationship are more powerful than all other influences upon his life. Bad ventilation will weaken his health, long hours will dull his mind, small wages will keep him from marriage, and irregularity of employment will break down his morals. Day after day his industrial relationship molds his character in its physical, mental, and spiritual aspects. For him fair working conditions are not a part of his life, they are his life, itself, in all its substantial elements. There are

certain trades known as the 'tuberculosis trades.' In certain others the worker is known as a member of the 'poison squad.' The control and dominance of industry is the supreme influence of our age.

Not only is the industrial struggle the first controversy of the age, but it has a quality that no other controversy has ever possessed in an equal degree. It is international. Organizations of laborers are called international unions. Industry is not only the big term, it is the universal term in the modern world. Language, custom, religions, form of government, and social groups may be localized and independent, but the industrial order covers the world. When oil is found in Russia, it affects prices at the wells in Pennsylvania. Cotton is planted in India, and its influence reaches the plantations of Carolina. A union is formed in China, and the shock reaches the rice lands of Florida. Capital is moving upon Mexico, and the exploitation of the peon becomes an issue in the labor market of the United States.

Surely the membership of the City Club of Chicago, representing all the people of the city, and as genuinely interested in the real prosperity of Chicago as any other group in this wonderful city, has the right to consider all the aspects of this great controversy. There are just two possible methods of dealing with our responsibility in the industrial struggle. We may join organized capital in its attack upon organized labor. We may enter into the conspiracy of the industrially censored press and join in the hunt for dividends at any cost. We may aid in withdrawing from laborers the rights of other men and make them an outlawed class in their group associations and undertakings; we can help to enjoin them as conspirators, and then imprison them for exercising the legitimate functions of other persons in the community. If we decide on this method, then the organized laborers will be driven into a class struggle and the Socialist party will reap the harvest of the bitter contest between confiscation and despotism.

Some years ago an obscure labor leader from Indiana was imprisoned without trial in the 'bull pen' at Woodstock, Ill. He was charged with many crimes, but he was never brought to trial for any of his alleged offenses. The pur-

pose of his imprisonment having passed, the strike broken, his accusers did not wish to risk a trial by due process of law. That obscure labor man is today an international character, better known and better loved at more firesides in England, France, and Germany, to say nothing of America, than any man in this room or any man in this town for that matter. He has twice been a candidate for the presidency of the United States, and has received for that high office nearly half a million votes—that have been counted. Within the last year he has travelled over this country in a special train from California to Massachusetts. Was it a wise social policy that made Eugene V. Debs a hero and a martyr in the thought of half a million laborers in this country? As a mere method of attack I submit that by its fruits this method can be shown to be false and costly, regardless of its violations of the fundamental law. I submit that this half million will grow into four million votes within a decade, if the right of free speech, free press and collective action is denied the working men in industrial disputes.

It seems to me that we will be without excuse if we permit our common life to suffer a class cleavage in this country. Old England has shown us a more excellent way. Organized capital in that country, never so well organized nor so impersonal and ruthless, as in the United States, began some ten years ago a similar campaign to that of the National Association of Manufacturers in this country. In 1897 Allen vs. Flood was decided by the law Lords in the House of Peers. This decision marked the beginning of an interpretation in the highest court of England of existing statutes and common law doctrines in behalf of organized capital as against organized laborers. This trend in legal decisions was steadily maintained until the famous Taff Vale decision rendered on the 22d of July, 1901. In other decisions between these dates you will find all the doctrines advanced and maintained that are involved in our labor-conspiracy cases. In three years from the date of this last decision, a great political industrial movement among the organized workers of Great Britain had resulted in a complete change of the ministry and the general policy of the government of Great Britain. Within a year from this time

the Parliament of England passed two measures, which, if enacted by our Congress today would practically remove the American Federation of Labor from the political field in the United States. The most important of these measures was the Trades Dispute Act, a copy of which is submitted for your consideration.

In the last analysis this government rests upon the people. Courts, legislatures, executives get their legal authority from this high source. When we appeal from legislators and judges and presidents back to the people, we appeal to the final court of last resort in this country. Abraham Lincoln appealed to that court for the Dred Scott decision, and the Dred Scott decision was over-ruled. Charles Sumner and George W. Curtis appealed to it from the fugitive slave law enacted by a Congress under the domination of the slave power, and that law was over-ruled. Mr. Lincoln in discussing the Dred Scott decision declared that decision to be 'A portion of a system or scheme to make slavery national in this country'; and I am satisfied that the decision in the Danbury hatters' case is a part of a system or scheme to make scab labor national in this country.

Slowly this great question is getting a hearing in our American court of last resort—the conscience of the people. We have considered it here today, and other groups great and small will consider it throughout the country, and at last the verdict will come in. That this verdict will be at last for the citizenship values of the many rather than the profit values of the few, who can doubt? The world movement of civilization is towards human rights. No man or set of men can stand permanently in the way of this current in the affairs of men. Democracy will capture industry just as it has captured religion and politics. Shall we enlist with the perishing hosts of privilege or with the victorious legions of Democracy?

Independent. 54: 1383-4. June 5, 1902.

Industrial Unionism.

The action of the United Mine Workers in calling out the engineers, firemen and pumpmen from the anthracite col-

lieries—and the prompt obedience to the order—is a noteworthy outcome of a new form of labor unions which the past few years have brought forth. The stationary engineers belong to a skilled occupation, superior to that of the miners, yet in this particular industry they have yielded their separate trade union to a much more comprehensive organization, the "Industrial Union." The Industrial Union indicates a new alignment of wage earners toward the new organization of capital and the new expansion of machinery. Under the older forms of unionism each "trade" was assumed to have a natural boundary, and all who worked at that trade, no matter how widely scattered in different industries, were supposed to have a common interest apart from that of other trades. The engineer is an engineer, whether in a mine, a brewery or a machine shop. True, the Knights of Labor, from which many of the existing trade unions are offshoots, attempted to break down trade lines and to consolidate all wage earners under the motto, "An injury to one is an injury to all." But the Knights of Labor went to pieces because it carried the principle too far, and tailors, for example, rebelled when their strikes were settled for them by bricklayers and teamsters.

Now the "Industrial Union" is a partial return to the principles of the Knights of Labor. But, instead of amalgamating all employes, it brings together only those who work in the same industry. This coalescence takes different forms, all the way from amalgamation, or subordination, among the Mine Workers and the Printing Trades, to a close federation, among the United Garment Workers, the United Hatters, the Brewery Workmen, the Building Trades and others. The Typographical Union makes contracts for the stereotypers, altho it has not as yet gained control of the pressmen or photo-engravers. The United Garment Workers in New York conducted last summer, for the first time, a general strike under a central council in which ten or twelve unions took part, covering the entire clothing industry except the Italian women who worked at home.

This new form of alliance preserves a certain varying degree of autonomy for the several trades, but it prevents one trade from stopping an industry without the consent of the

other trades. The firemen in the anthracite mines, some six months ago, attempted to break loose from the Mine Workers and to secure a reduction of hours from twelve to eight by independent action, but the Mine Workers threatened to supply their places and thus forced them back to work. Now the firemen are joining with the Mine Workers, who, since their contract with the operators has expired, have taken up their demand along with their own. The stronger and more compact unions of skilled workmen resist this movement toward coalition, because they are opposed to making sacrifices for their weaker associates; but in proportion as they see unskilled man with machinery taking their places they are awakening to the need of protecting themselves by protecting them.

The American Federation of Labor, which, because it was based on trade lines, displaced the Knights of Labor, has suffered internal conflict owing to this advance of industrial unionism, and its policy has not been consistent. It refused to protect the engineers when the Mine Workers proposed to absorb them, but latterly it has protected them against the Brewery Workers. By a close vote of the executive council it has recognized a new and independent organization in the Clothing Trade. It has on its hands disputes in several other industries. These problems of jurisdiction are the most trying and dangerous now before the Federation. At the same time the Federation is forced, in imitation of the trusts, to bring all workmen in an industry into solid array. It has now organized over four hundred "Federal Labor Unions,"—unions of common laborers and those whose numbers are too small for a local trade union. The Federal Labor Union completes in theory the organization of an industry, and in at least two industries—blast furnaces and paper mills—these federal unions have become strong enough to make and win demands apart from the older unions of skilled men. Plainly the Federal Labor Union is a long step toward industrial unionism.

The Mine Workers' organization includes every employee who works "in or about the mines." This brings under one jurisdiction, not only the engineer, but the skilled miner who works by contract and the unskilled laborer who loads his

cars. Between these two classes there is almost as distinct a line of aristocracy as between engineers and Mine Workers, and in the anthracite mines apparently this line has not been broken down. The miner works four or five hours by contract at blasting down the coal and hires his mine laborer for ten hours by the day, like any employer, to load his cars. Where the Mine Workers' Union is stronger, as in Illinois, this species of sub-contracting is abolished, and the miner and mine laborer are partners for eight hours a day, and they divide their earnings equally. Other mine workers have varying wages according to skill and strength.

The Industrial Union, from the fact that it subordinates the skilled workman to an organization with often a majority of unskilled workmen, tends toward democracy within the union. It levels up the unskilled men, but it protects the skilled men against their competition.

New York. Labor, Department of. Bulletin. 392-410. September, 1909.

International Trade Union Statistics.

In the following pages appear the latest statistics available concerning trade unions in the principal countries of the world. The standing of the several countries for which any figures are available, as to trade union membership, is as follows:

Country.	Date.	Source of information.	Aggregate membership
United States and Canada	1908	Estimated	2,500,000
Great Britain and Ireland	Jan. 1, 1908	Government	2,406,746
Germany	(Av'ge) 1908	Unions	2,382,401
France	Jan. 1, 1908	Government	957,102
Austria	1908	Unions	482,274
New York	March, 1909	Government	367,093
Russia	1907	Unions	246,272
Sweden	1907	Unions	186,226
Belgium	1907	Unions	181,015
Australia	1907	Government	130,320
Hungary	1907	Unions	130,192
Switzerland	1908	Unions	129,319
Denmark	1907	Unions	90,806
Netherlands	Jan. 1, 1909	Unions	57,971
Norway	1907	Unions	39,070
Spain	March, 1908	Unions	32,612
New Zealand	1908	Government	27,640
Finland	1907	Unions	25,197
Bulgaria	1907	Unions	10,000

The figures for the United States and Canada are crudely estimated. The figures for Belgium, Denmark, Norway, Spain, Finland and Bulgaria are borrowed from the report for 1907 of the international secretary of trade unions (Berlin). Australian figures represent registered unions only.

The above rough estimate for the United States and Canada is arrived at by assuming that the rate of increase in the grand total since 1906 has been about the same as that shown in the official figures for the American Federation of Labor and the railway organizations. These latter show an increase of a little over 10 per cent while that allowed for the grand total of all organized labor is a little less when the round number of two and one-half millions is taken.

Whatever the accuracy of the figures it seems certain that in absolute number of trade unionists America, Great Britain and Germany are now quite close together but that all of these three far surpass any other countries.

American Labor Organizations

It is impossible to quote figures concerning trade union membership for the United States and Canada separately, most of the general organizations having jurisdiction over both countries and making no separation of the figures for each in their general statistics as published. Nor is it possible to quote complete figures for the two countries together since several organizations publish no figures at all. Finally, in case of some of those which publish figures accuracy is not claimed. But for the great bulk of American trade union membership there are some figures available and these are summarized in the table below.

American Federation of Labor (average, 1908)		1,586,885
Railway employees:		
Carmen (June, 1909)	18,522	
Conductors (January, 1909)	38,358	
Engineers (January, 1909)	56,403	
Firemen (January, 1909)	63,410	
Trainmen (January, 1909)	101,000	
		277,683
Brick layers and masons		68,000

It is surprising that, in spite of the effects of the industrial depression of 1908, the American Federation of Labor was able to increase its membership from 1,538,970 in 1907 to 1,586,885 in 1908. This result, however, is due mainly to the

reinstatement in the Federation of the Brewery Workers' union, 40,000 strong, whose charter had been revoked in 1907. Most unions had a hard struggle to maintain their membership, and gains made by some unions were just about sufficient to counterbalance the losses of others.

Fewer charters were issued by the American Federation of Labor in 1908 than in any previous year since 1898, but receipts, $207,655, showed some improvement over 1907, when they had fallen to $174,330, comparing with $207,815 in 1906. Of the larger unions affiliated with the American Federation of Labor, very few could register any substantial gain in 1908. The United Mine Workers of America, the largest of the affiliated unions, had its membership reduced to 252,500 from 254,900 the previous year, a loss of 2,400 members. The next largest union, the carpenters, decreased from 192,900 to 179,600, showing a loss of 13,300 members comparing with a gain of 17,000 made in 1907. Organizations that registered gains in 1908 were the garment workers with a membership of 43,900 or a gain of 10,500 over 1907; the machinists with a membership of 62,100 gaining 6,100 members; the firemen, with a membership of 17,300 or a gain of 4,800; the painters with 64,800 members or a gain of 2,400.

The benefits paid to members by national unions in 1906, 1907 and 1908 were as follows:

	1906.	1907.	1908.
Death benefits	$994,974 79	$1,076,060 22	$1,257,244 29
Death benefits (members' wives)	37,900 00	42,575 00	31,390 00
Sick benefits.............	663,436 61	712,536 02	593,541 34
Traveling benefits	59,340 93	58,828 93	51,093 86
Tool insurance..........	5,771 09	10,926 86	5,871 63
Unemployed benefits....	79,582 70	26,984 29	205,254 31
Total	$1,841,006 12	$1,927,911 32	$2,144,395 43

There was a large increase in 1908 in expenditures on unemployed benefits, which is self-explanatory, an increase also in expenditures for death benefits, while the expenditures on all other benefits decreased.

Outlook. 97: 267-70. February 4, 1911.

Labor's Struggle for the Right to Organize. Samuel Gompers.

Laboring men have been subjected to many relentless prosecutions and bitter persecutions in the years gone by when

making a collective effort to promote their own welfare and prosperity. The most oppressive enactments commenced in England in or about the year 1348, soon after the Black Plague. The Black Plague cut down the ranks of the laborers particularly; it has been estimated that fifty per cent of the laborers perished during that epidemic. This reduction in the supply of workers had the effect of practically doubling the rate of wages, and a statute was passed by Parliament prohibiting laborers from accepting higher wages than they had been receiving before the Black Plague. Another statute was passed going so far as to prescribe what the workers should eat and their clothing; that statute made it a penal offense for a laboring man to eat better food or wear better clothing than the prescribed limitations written in the statute.

Some two hundred years later the English Parliament, in 1563, enacted a statute authorizing justices of the peace to fix the wages of laborers in England, and made it a crime for laboring men to accept higher wages than those prescribed by the justice of the peace; and that statute remained in effect and was rigidly enforced for a period of two hundred and fifty years, and it was not until the year 1815 that this rigorous and abhorrent statute was repealed, and only then because the justices of the peace were suspected of being too liberal toward the English workers.

In or about the year 1553 the English Parliament enacted a law making it an "infamous crime" for workingmen to meet for the purpose of discussing the wages they should expect or the hours per day that they would toil; and in 1796 a similar statute was re-enacted, making it a crime for workingmen to assemble to discuss the hours of toil, the rates of wages, or any question bearing upon their industrial conditions. It was not until 1825 that this legal ban was removed from the workers of England, and even then the organizations that they had established received no legal status; they had no standing in the courts of the nation. It is recorded that as late as 1869 an official of a labor organization, who had embezzled the funds belonging to his organization, was prosecuted for the alleged crime, but the court dismissed the action on the ground that "labor organi-

zations were unknown to the law of England, and the person committing the theft had not perpetrated a crime."

Prior to 1824 the law of England treated the workingmen who endeavored to secure an amelioration of their condition with great severity; strikes of any magnitude or duration were almost impossible, as all attempts at organization for such a purpose were prevented, as far as it was possible, by the law against combination which was then in force. The great labor disputes which had taken place previous to that time, and, in fact, for years afterwards, were spasmodic outbreaks of actual industrial revolt against innumerable grievances instead of deliberate arrangements and skillfully organized systems for bringing about rational changes in existing industrial conditions.

The combination laws in operation from 1799 to the time of their repeal in 1825 were extremely stringent in character; in fact, the preamble of the Act of 1799 strikes the keynote of the industrial legislation of that period, in which it was stated: "Whereas, great numbers of journeymen manufacturers and workmen in various parts of this kingdom have, by unlawful meetings and combinations, endeavored to obtain advance of their wages and to effectuate other illegal purposes; and the laws at present in force against such unlawful conduct have been found to be inadequate to the suppression thereof, whereby it has become necessary that more effectual provision should be made against such unlawful combinations, and for preventing such unlawful practices in the future and for bringing such offenders to more speedy and exemplary justice."

The Act went further, and declared null and void all agreements "between journeymen manufacturers or workmen for obtaining an advance of wages, or for lessening or altering their hours of labor and for various other stated purposes." Even the Act of 1825 held that it was "unlawful for persons to meet for the purpose of consulting upon and determining the rate of wages or prices which the persons present at such meeting should demand for their work."

The interpretation of the law was left to the courts, and the judges promptly declared labor combinations to be unlawful at common law, on the ground "that they were in

restraint of trade." These decisions led to further and continued agitation on the part of the workmen, and in 1859 a law was enacted providing that workmen should not be held guilty of "molestation" or "obstruction," under the Act of 1825, simply because they entered into agreements to fix the rate of wages or the hours of labor, or to endeavor peaceably to persuade others to cease or abstain from work to produce the same results. Again the interpretation of this law by the courts was unsatisfactory to its creators, and in 1867 a royal commission was appointed to inquire into the subject and report upon it to Parliament. The result of this investigation brought forth two Acts in 1871—(1) the Trade Union Act; (2) the Criminal Law Amendment Act. The latter statute repealed the Acts of 1825 and 1859. This new Act made some stringent provisions against employers and against employees in order to prevent alleged coercion, violations, threats, etc. But there was no prohibition against doing or conspiring to do any act on the ground that it was in restraint of trade, unless it came within the scope of the enumerated prohibitions.

It was thought that by the passage of these two Acts ordinary strikes would be considered legal, providing the prescribed limits were not exceeded. It was generally understood that if men undertook a strike they were not in danger of being prosecuted for criminal conspiracy. But in the following year Justice Brett held that "a threat of simultaneous breach of contract by men was conduct which the jury ought to regard as a conspiracy to prevent the company carrying on its business." The workmen were sentenced to twelve months' imprisonment. This decision and the severity of the sentence caused a widespread agitation in the country and a great revulsion of feeling, so much so that it resulted in the appointment of another royal commission, which reported to Parliament further alterations in the law; and in 1875 the Home Secretary, Mr. R. A. Cross, introduced a bill in Parliament entitled "The Conspiracy and Protection of Property Act." The bill passed and was approved August 13, and is known as the "Trade Union Act of 1876." The former picket clauses of the Act of 1871 were retained in the new law, but this important addition was incorporated in

the Act: "An agreement or combination of two or more persons to do, or to procure to be done, any act in contemplation or furtherance of a trade dispute between employers and workmen, shall not be punishable as a conspiracy if such act as aforesaid when committed by one person would not be punishable as a crime." And in another section the definition of a trade union is thus stated: "The term 'trade union' means any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combinations would or would not, if the principal Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade." Generally speaking, this Act gave the English workingmen a wider latitude. One of the Trade Union Reports says concerning it: "It has permitted us to do in combination what we are permitted to do as individuals, but which we were prohibited from doing in association before that law came into effect; it has more particularly established our rights; it has given us certain privileges and restrictions, and at the same time has laid equal privileges and restrictions upon employers."

In an important test case, "Allen vs. Flood," on December 14, 1897, this Act was sustained, and the British workmen believed that the code of industrial warfare was precisely defined so that they could carry on either defensive or offensive operations against employers without subjecting themselves to the penalties of the law. But in June, 1900, the celebrated Taff-Vale Railway dispute took place, in which a railway company obtained a decision with damages allowed in the sum of $119,842 for the alleged injury done to the railway company by the loss of its business and the extra expense involved arising out of "unlawful and malicious conspiracy of the defendants." This decision was rendered by Mr. Justice Farwell. An appeal was immediately taken to the Court of Appeals, which held that "there was no section in the Acts of 1871 and 1876 empowering a trade union to sue or be sued, and that if the legislature had intended to

make that possible the legislature well knew how in plain terms to bring about such a result;" and, further, the Court of Appeals ruled in conclusion, "As there is no statute empowering this action to be brought against the union in its registered name, it is not maintainable against the Amalgamated Society of Railway Servants, and these defendants must therefore be struck out, the injunction against them must be dissolved, and the appeal as regards these defendants must be allowed with costs here and below."

From this judgment of the Court of Appeals the Taff-Vale Railway Company appealed to the House of Lords, and in pronouncing the concluding opinion of that Court the Lord Chancellor said: "In this case I am content to adopt the judgment of Justice Farwell, with which I entirely concur; and I cannot find any satisfactory answer to that judgment in the judgment of the Court of Appeals which overruled it. If the legislature has created a thing which can own property, which can employ servants, which can inflict injury, it must be taken, I think, to have impliedly given the power to make it suable in a court of law for injuries purposely done by its authority and procurement. The judgment of the Court of Appeals is reversed, and that of Justice Farwell restored."

This decision was so startling that it was vigorously denounced as a scandalous illustration of "judge-made law," and "a perversion of the intent of Parliament by hostile judicial interpretation."

The British trade-unionists immediately commenced a campaign to secure the amendment of the Trade Union Acts, by which the legislature should affirmatively and positively declare that the funds of trade unions were not liable for any act of a trade union that was not in itself criminal. The result was that in March, 1906, the Government brought in a bill amending the "Conspiracy and Protection of Property Act" to meet the demands of labor. This bill was passed December 21, 1906, and is known as the "Trades Dispute Act," which, because of its importance and application, I quote. It is as follows:

An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

It shall be lawful for one or more persons, acting on their own behalf, or on behalf of a trade union, or of an individual employer or firm, in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment, or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.

An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the Trades Union Act, 1871, section nine, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

Thus the working people of Great Britain secured their right to organize and to exercise their activities upon the economic field for their own and for the common protection.

Scribner's Magazine. 38: 627-33. November, 1905.

Hope for Labor Unions. J. Laurence Laughlin.

What, then, are the means adopted by the unions to raise wages? Obviously, it is not possible to predicate in one statement what is true of all unions. There are many differing practical policies in force; and yet it is possible to indicate the one common economic principle underlying the action of the majority of the large and influential organizations. To be brief, the practical policy of labor unions is based on the principle of a monopoly of the supply of laborers in a given occupation. By combination also the gain of collective bargaining is obtained. Just as manufacturers attempt to control the supply and the price of an article, so the unions attempt to fix the rate of wages by controlling the number of possible competitors for hire. It would seem that what is sauce for the goose should be sauce for the gander.

The principle of monopoly, it should be observed, is effective in regulating price only if the monopoly is fairly

complete; it must include practically all of the supply. But even under these conditions the price cannot be settled alone by those who control the supply. The demand of those who buy is equally necessary to the outcome. As a rule, the monopolistic seller must set a price which will induce the demand to take off the whole supply. Too high a price will lessen consumption and lessen demand.

In a similar way, not only must there be an active demand for labor from employers, but to fix the price of labor a union must control practically all of a given kind of labor. Here we find the pivotal difficulty in the policy of the unions; and we find clashes of opinion as to the facts. If the union does not contain all the persons competing for the given kind of work, then its theory of monopoly will be a failure in practice. In fact, the unions composed of unskilled laborers, such as teamsters, can never include all the persons, near and far, capable of competing for their positions. The principle of monopoly cannot be made to work successfully in such unions.

But it will be objected by union leaders that it is their policy to gather every laborer into the union, and thus eventually control all the supply in an invincible monopoly. The unions, however, do not, in fact, admit all comers. Some, such as machinists, admirably demand skill as a prerequisite of admission; others, such as telegraphers, make the admission of apprentices practically impossible; while others again, like some woodworkers, find difficulty in getting apprentices, and consequently urge training in the public schools. In such variety of practice there, nevertheless, emerges the fact that many unions try to create an artificial monopoly by excluding others, and yet try to keep the union scale of wages by preventing in many ways the employment of non-union men. On the other hand, should the unions adopt the plan of admitting all who apply, then all laborers being unionists, the situation would be the same as regards supply as if there were no unions. Could the unions then maintain a "union scale" of wages? Evidently, if the whole supply of laborers is thus introduced into the field of employment, then the rate of wages for all in any one occupation can never be more than that rate which will warrant

the employment of all—that is, the market rate of wages. Although all laborers are included in the unions, they would have the advantages, whatever they may be, of collective bargaining. Yet if the unions really believe that when every laborer is inside the union collective bargaining can of itself, irrespective of the supply, raise the rate of wages, they are doomed to disappointment. Wholly aside from the influence of demand, in order to control the rate of wages, the unions which include all laborers must effectually control immigration and the rate of births. No one, it scarcely need be said, is so ignorant of economic history as to believe that such a control over births can be maintained. There is little hope for higher wages by this method of action.

In the anthracite-coal regions, for instance, it will be said that strenuous efforts were made to force all the men to join the unions. If not only those on the ground, but all newcomers, are admitted to membership, then not all unionists can find employment in the mines. At the best, if they can fix the rate of wages which employers must pay those who do work, some will remain unemployed. In such a case, the working members must support the idle—which is equivalent to a reduction of the wages of those who work—or the unemployed must seek work elsewhere. Sooner or later, for men capable of doing a particular sort of work an adjustment as a whole between the demand for laborers and the supply of them must be reached on the basis of a market rate.

Whatever the reasons, the fact is to-day unmistakable that the unions include only a small fraction of the total body of laborers. In spite of the proclaimed intention to include in a union each worker of every occupation, and then to federate all the unions, the unions contain far less than a majority of the working force of the country. To the present time, therefore, the practical policy of the unions is one of artificial monopoly; that is, not able to control the whole supply, the union attempts to fix a "union scale" and maintain only its own members at work. This situation, consequently, means always and inevitably the existence of non-union men, against whom warfare must be waged. Under this system high wages for some can be obtained only by

the sacrifice of others outside the union. The economic means chosen by the unions, then, to gain higher wages are practicable only for a part of the labor body, and then only provided all other competitors can be driven from the field. The policy of artificial monopoly being, thus, the common principle of a great majority of unions, we may next briefly consider the inevitable consequences of such a policy.

1. The immediate corollary of the union policy is a warfare *a l'outrance* against non-union men. This hostility against brother workers is excused on the ground that it is the only means of keeping up the "union scale" of wages. Although an artificial monopoly is unjust and selfish, and certain to end in failure, the unions have doggedly adhered to it so far as to create a code of ethics which justifies any act which preserves the monopoly. This is the reason why a non-union man seeking work is regarded as a traitor to his class, when in reality he is a traitor to an insufficient economic principle. As a human being he has the same right to live and work as any other, whether a member of a union or not. The arrogance of unionism in ruling on the fundamentals of human liberty, the assumption of infallibility and superiority to institutions which have been won only by centuries of political sacrifice and effort, is something supernal—something to be resented by every lover of liberty. Unionism, if unjust to other men, cannot stand.

2. Since the "union scale" of an artificial monopoly is clearly not the market rate of wages, the maintenance of the former can be perpetuated only by limiting the supply to the members of the union. The only means of keeping non-union men from competition is force. Consequently, the inevitable outcome of the present policy of many labor organizations is lawlessness and an array of power against the state. Their policy being what it is, their purposes can be successfully carried out only by force, and by denying to outsiders the privileges of equality and liberty. Sometimes the means of enforcing their unenacted views is known as "peaceful picketing"; but this is only a mask for threats of violence. In fact, intimidation of all kinds up to actual murder has been employed to drive non-union competitors out of the labor market. Picketing, boycotts, breaking heads,

slugging, murder—all outrages against law and order, against a government of liberty and equality—are the necessary consequences of the existing beliefs of unionists, and they cannot gain their ends without them. So long as the unions adhere to their present principles so long will they be driven to defy the majesty of the law, and work to subvert a proper respect for the orderly conduct of government.

The dictum of a few men in a union has been set above the equality of men before the law. The union lays down an ethical proposition, and by its own agencies sets itself to apply it at any and all cost. This is a method of tyranny and not of liberty. The right of the humblest person to be protected in his life and property is the very cornerstone of free government. It means more for the weak than for the strong. Therefore the opinions of a loosely constituted body, representing a limited set of interests, should not—and will not—be allowed to assume a power greater than the political liberty for all, rich or poor, which has been a thousand years in the making. By the abuses of unionism there has been set up an *imperium in imperio*—one inconsistent with the other. One or the other must give way. Which one it shall be no one can doubt. The dictum of rioters will never be allowed by modern society to eradicate the beneficent results which have issued from the long evolution of civil liberty. If the platform of the unions is opposed to the fundamentals of law and progress, it must yield to the inevitable and be reconstructed on correct principles of economics and justice.

3. The labor leaders, finding themselves opposed by the strong forces of society, have at times made use of politics. They have sought to influence executive action in their favor. Mayors of cities are under pressure not to use the police to maintain order when strikers are intimidating non-union men. More than that, since the presence of soldiers would secure safety from force to non-union workers, union leaders have urged governors, and even the President of the United States, to refrain from sending troops to points where disorderly strikes are in operation. Not only the police and the soldiery, but even the courts, when used solely to enforce the law as created by the majority of voters, have been con-

spicuously attacked as the enemies of "organized labor." The hostility of these agencies in truth is not toward labor, or its organization, but toward the perverse and misguided policy adopted by the labor leaders.

The entry of unions into politics, in general, is a sign of sound growth. It is, at least, a recognition that the only legitimate way of enforcing their opinions upon others is by getting them incorporated into law by constitutional means. And yet legislation in favor of special interests will be met by the demand of equal treatment for all other interests concerned; and in this arena the battle must be fought out. The unions will not have their own way by any means. So far as concerns the rate of wages, in any event, political agitation and legislation can do little. The forces governing the demand and supply of labor are beyond the control of legislation. But other subjects of labor legislation have been introduced, as is well known, such as eight-hour laws, high wages for state employees, and demands for employment by the government of only union men. All these efforts would be largely unnecessary were the action of the unions founded on another principle than monopoly.

4. The difficulties arising from this incorrect policy of artificial monopoly of the labor supply have been felt by the unions, but they have not been assigned to their true cause. Believing in the theory, even though incorrect, they have gone on enforcing their demands by methods unrelated to the real causes at work. They have tried to strengthen their position by claiming a share in the ownership of the establishment in which they work, or a right of property in the product they produce, or a part in the business management of the concern which employs them. They have tried to say who shall be hired, who dismissed, where materials shall be bought, to whom goods shall be carried or sold, and the like. Their purpose is not always clear; but it seems to be a part of a plan to keep the employer at their mercy, and thus under the necessity of submitting to any and all demands as regards wages.

In this matter the unions cannot succeed. The very essence of a definite rate of wages is that the laborer contracts himself out of all risk. If the workman claims to be a

partner in the commercial enterprise, asking in addition a part of the gains, he must also be willing to share the losses. This is obviously impossible for the ordinary working man. Hired labor and narrow means go together. Capital can, labor cannot, wait without serious loss. Laborers, therefore, cannot take the risks of industry and assume the familiar losses of business. This is the full and conclusive reason why the laborer contracts himself out of risk and accepts a definite rate of wages. If he does this, he is estopped, both morally and legally, from further proprietary claims on the product or establishment.

By way of *résumé,* it is to be seen that the attempt to increase the income of labor on the unionist principle of a limitation of competitors has led into an *impasse,* where further progress is blocked by the following evils:

1. The wrong to non-union men.
2. The defiance of the established order of society.
3. A futile resort to legislation.
4. The interference with the employer's management.

In contrast with the existing policy, which can end only in discouragement and failure, permit me, wholly in the interest of the membership of the unions, to suggest another policy which will certainly end in higher wages and open a road to permanent progress for all working men. Instead of the principle of monopoly of competitors, I offer the principle of productivity, as a basis on which the action of unions should be founded.

By productivity is meant the practical ability to add to the product turned out in any industry. The productivity of labor operates on its price just as does utility on the price of any staple article—improve the quality of it and you increase the demand for it. This general truth is nothing new. The purchaser of a horse will pay more for a good horse than for a poor one. A coat made of good material will sell for more than one made of poor material. Why? Because it yields more utility, or satisfaction, to the purchaser. In the same way, if the utility of the labor to the employer is increased, it will be more desired; that is, if the laborer yields more of that for which the employer hires labor, the employer will pay more for it, on purely commercial grounds.

Now it happens that where productivity is low—that is, where men are generally unskilled—the supply is quite beyond the demand for that kind of labor. Productivity being given, supply regulates the price. Obviously, to escape from the thralldom of an oversupply of labor in any given class, or occupation, the laborer must improve his productivity. That is another way of saying that if he trains himself and acquires skill, he moves up into a higher and less crowded class of labor. The effect on wages is twofold: (1) he is now in a group where the supply is relatively less to demand than before; and (2) his utility as a laborer to the employer is greater and acts to increase the demand for his services. Productivity, therefore, is the one sure method of escape from the depressing effects on wages of an oversupply of labor.

It is unnecessary to describe in detail the forms by which productivity shows itself in the concrete. If the laborer is a teamster, he can improve in sobriety, punctuality, knowledge of horses, skill in driving, improved methods of loading and unloading, avoidance of delays, and in scrupulous honesty. If, moreover, he studies his employer's business and consults his interest—instead of studying how to put him at a disadvantage, or making work—he still further increases his productivity and value to his employer. In other occupations and in other grades of work the process is simple. In fact, it is the ordinary influence of skill on wages; and men have been acting on an understanding of it time out of mind.

To this suggestion it may be objected that the workman who makes himself more capable receives no more from an employer than the less capable; that employers treat all alike and are unwilling to recognize skill. The fact is doubted; for it is incredible that intelligent managers should be for any length of time blind to their own self-interest. But if they are thus blind, and if they place an obstacle to the recognition of merit and skill, then we at once see how the unions can make a legitimate use of their organized power by demanding higher wages for higher productivity. Such demands are sure to meet with success.

This method of raising wages, based on forces leading to a lessened supply and an increased demand, shows a dif-

ference as wide as the poles from the existing artificial method of "bucking" against an oversupply by an ineffective monopoly. To the laborer who wishes higher wages the advantage of the former over the latter is so evident and so great that further illustration or emphasis on this point would be out of place. In the economic history of the last fifty or sixty years in the United States and Great Britain it appears that money wages have risen from about fifty per cent. for unskilled labor to over one hundred per cent. for higher grades of work, while the hours of labor per day have been lowered considerably. Moreover, this gain in money wages has been accompanied by a fall in the prices of many articles consumed by the laboring class. This fortunate outcome has gone on simultaneously with a progress in inventions and in the industrial arts never before equalled in the history of the world, and it is a progress which has enabled the same labor and capital to turn out a greater number of units of product. In fact, the enlargement of the output has been such that each unit could be sold at a lower price than ever before and yet the value of the total product of the industry has sufficed to pay the old return upon capital and also to pay absolutely higher money wages to the workmen for a less number of hours of labor in the day. Indeed, one is inclined to believe that the gain in wages by the working classes in recent years has been due far more to this increased productivity of industry and much less to the demands of labor unions than has been generally supposed. The productivity method of raising wages has the advantage over the one in present use in that it gives a *quid pro quo,* and excites no antagonism on the part of the employer. A pressure by strikes to have productivity recognized must be successful, since an employer cannot afford the loss consequent on hiring an inefficient workman. The insistence, as at present, on a uniform minimum rate of wages by process of terrorism, and without regard to the supply of possible competitors, cannot for a moment be considered in comparison with the hopeful and successful method through improved productivity. The one is outside, the other within, the control of any individual initiative.

Keeping these things in mind, those of us who would like

to see a definite and permanent progress of the laboring classes believe that here the unions have a great opportunity. They must drop their dogged attempts to enforce a policy against the oversupply of labor by a futile monopoly; it is as useless and hopeless as to try to sweep back the sea with a broom. On the other hand, should the unions demand as conditions of admission definite tests of efficiency and character, and work strenuously to raise the level of their productivity, they would become limited bodies, composed of men of high skill and efficiency. The difficulty of supply would be conquered. A monopoly would be created, but it would be a natural and not an artificial one. The distinction between the union and non-union men would, then, be one between the skilled and the unskilled. The contest between union and non-union men would no longer be settled by force. Thus the sympathy of employers and the public would be transferred from the non-union, or the unfit, to the union, or the fit men. If space were sufficient, interesting cases could be cited here of unions which have already caught sight of the truth, and greatly improved their position thereby. This policy unmistakably opens the path of hope and progress for the future.

In contrast with the mistaken policy of the present, we may set down the different ways in which productivity would act upon the four evils enumerated at the end of the first part of our study:

1. The wrong to the non-union man would disappear. The rivalry of union and non-union men would no longer be the competition of equals, because the non-union, or inferior, men would be out of the competition for given kinds of work. There is no wrong to a non-union man if he is excluded from work for inefficiency. The wrong of to-day is that the union often shields numbers of incapables.

2. Since the unionists would represent skill, and the non-unionists lack of skill, there would be no need of force to hold the position of natural monopoly. The perpetual defiance of the law in order to terrorize non-union men would have no reason for its existence; and the worst phases of unionism would disappear. Such a consummation alone would be worth infinite pains; but if it should come in con-

nection with a policy which is morally certain to improve the condition of the workmen, not to reach out for it is little short of crime.

3. As another consequence of the new principle the unionist would find himself and his comrades steadily gaining a higher standard of living without resort to the artificial methods of politics. Legislation would not be needed to fight against the results of the oversupply of labor. Like ordinary business men, the unionists would find their affairs peacefully settled in the arena of industry by permanent forces, and not in the uncertain strife of legislatures and political conventions, in which they are likely to be outwitted by clever party leaders. And yet the workmen would retain in their organized unions the power to command justice from those employers who are unjust.

4. The new policy would insure community of interest between employer and employe. This objective is so important, it has been so outrageously ignored in countless labor struggles, that to attain it would almost be like the millennium; and yet, instead of being moonshine, it is simple common sense. If the laborers knew and acted upon the fact that skill and goodwill were reasons why employers could pay better wages, the whole face of the present situation would be changed. If it were objected that the unfair and grasping employer would pocket the surplus due to the improved productivity of the laborers, it must be remembered that the unions still retain their power of collective bargaining. But, of course, the unions must not believe that demands can be made for advances of an unlimited kind far beyond the services rendered to production of any one agent, such as labor.

The new proposals would also completely remove the disastrous tendency to make work. If men obtain payment in proportion to their productivity, the greater the product the higher the wages; for this has been the reading of economic history, no matter how individuals here and there protest. Hence the result would be lower expenses of production, a fall in the prices of staple goods, and a generally increased welfare among those classes whose satisfactions have been increased.

Not only would the consumer be benefited, but the increased productivity of industry would enable the home producer to sell his goods cheaper in foreign markets. As things are going now, the hindrances to production and making work by unions is threatening to contract our foreign trade. The new policy proposed to the unions would therefore aid the United States in keeping its present advantages in the field of international competition.

LAWS AND COURT DECISIONS

Current Literature. 46: 127-32. February, 1909.

Contempt of Samuel Gompers.

In the city of St. Louis is a manufacturing plant called the Bucks Stove and Range Company. It has a capital of one million dollars, and employs 750 men. Its president, J. W. Van Cleave, is also president of the Manufacturers' Association. It has an "open shop"—that is, it employs both union and non-union labor. In the nickel-plating department the thirty-five union men had a dispute with their employer over the hours of labor. There was up to this time a standing agreement to arbitrate such disputes, but this dispute was not arbitrated. A strike ensued. The contest followed much the usual line of such contests, until it was acted upon by the Federation of Labor, which endorsed the cause of the union men and ordered a boycott of the products of the Bucks Stove and Range Company. The company took the case to court, claiming that such a boycott is an illegal conspiracy in restraint of trade. The Supreme Court of the District of Columbia decided against the labor men, and issued a preliminary injunction against their advertising the company in the Federation's "We don't patronize" list, and against their further interference with the business of the company by means of request or advice to others not to buy its wares. This injunction was later made permanent. The labor leaders, claiming that the injunction interfered with their constitutional rights in forbidding them to advise or request others not to buy the company's wares, refused to obey it. They were accordingly cited before the court for contempt, found guilty, and sentenced as already stated. The political issue concerning court injunctions, that figured so largely in the recent presidential campaign, drew its vitality chiefly from this case. A considerable number

of bills are now before Congress for changes in the statutes regarding injunctions, and an important congressional discussion of this particular case is almost certain to be the result, whenever those bills come up for consideration in the sessions at Washington.

It is never an easy thing to reduce a contest of this kind to its simplest elements. In this case the equity of the situation lies chiefly in the determination of this one point—whether the court that granted the restraining order went too far and forbade not simply a "secondary boycott," but also a perfectly legal exercise of the right of the labor union men to agree among themselves not to purchase the company's wares, and to request their friends to do the same. The language of the court, in granting the preliminary injunction, concedes the latter right. Says Judge Gould:

"Defendants have the right, either individually or collectively, to sell their labor to whom they please, on such terms as they please, and to decline to buy plaintiff's stoves; they also have the right to decline to traffic with dealers who handle plaintiff's stoves. But Sailor Bros., for instance, have an equal right to buy the plaintiff's stoves, and plaintiff has an equal right to sell said stoves to Sailor Bros., and when defendants and those associated with them combine to interfere with or obstruct, without justifiable cause, the freedom of buying and selling which should exist between plaintiff and Sailor Bros., they infringe upon the rights of both and do an unlawful act. The same principle which is the basis of their trade freedom is also the basis of the freedom of plaintiff and Sailor Bros. to deal with each other untrammeled by defendants."

In arguing the case for the labor leaders, in the recent contempt proceedings, ex-Judge Parker, their attorney, seems to approve the positions as above stated by the court. It was not so much this particular ruling, he says, that seemed to his clients the most serious injury, but "a feature of the order that was not discussed in the opinion," and which is described by Mr. Parker as "a command that they shall not discuss that decision, that there shall be no longer freedom of speech, that they shall not tell their organizations about it, about what has happened and what the court has decided; practically, that they shall not go to Congress and ask for legislation relieving them from what they regard as an improper law; that they shall not write editorials about it." Such an order, he insists, is "absolutely void," because it offends against the federal Constitution. Even an act of

Congress to that effect would be void, and equally so a court decree.

This is the crux of the whole question, whether Messrs. Gompers, Mitchell and Morrison, in their actions after the court's decree was rendered, disobeyed any part of the order except a part that was void by reason of being unconstitutional. After the preliminary injunction was issued, Mr. Gompers, in a newspaper interview, said: "When it comes to a choice between surrendering my rights as a free American citizen or violating the injunction of the courts, I do not hesitate to say that I shall exercise my rights as between the two." The name of the Bucks Stove and Range Company continued to appear in the organ of the Federation, edited by Mr. Gompers, on the "unfair list," until the permanent injunction was made, and even after that date bound volumes of *The Federationist* containing copies with the "unfair list" in, were sold and distributed, and thousands of copies of the proceedings of the national convention containing notice of the boycott were published. In *The Federationist,* moreover, continued to appear notices like this:

"Bear in mind that an injunction by a court in no way compels Labor or Labor's friends to buy the product of the Van Cleave Buck's Stove and Range Company of St. Louis.

"Fellow-workers, be true and helpful to yourselves and to each other. Remember that united effort in cause of right and justice must triumph."

And in a speech in New York City, made after the permanent injunction was issued, Mr. Gompers spoke as follows:

"They tell us that we must not boycott. Well, if the boycott is illegal we won't boycott. But I have no knowledge that any law has been passed or any order issued by any court compelling us to buy, for instance, a range, or a stove from the Buck's Stove and Range Company. You know that myself and several are enjoined from telling you, and we are not prepared to tell you, that the Buck's Stove and Range Company is unfair."

The judge before whom the contempt proceedings were heard was not the same as the judge who issued the injunction. Judge Wright, who decided the contempt case, is a Roosevelt appointee, a lifelong friend of President-elect Taft, and also a friend of Senator Foraker, who requested his appointment by the President several years ago. His decision in the case covers seventy-five typewritten pages, and its language is very severe. Mr. Gompers's acts are described as done "in wilful disobedience and deliberate violation of

the injunction, and for the purpose of inciting and accomplishing the violation generally and in pursuance of the original common design of himself and confederates to bring about the breach of plaintiff's existing contracts with others, deprive the plaintiff of property (the goodwill of its business) without due process of law, restrain commerce among the several states." The general tenor of the decision—and its striking literary style—may be gathered from the following extract:

"The position of the respondents involves questions vital to the preservation of social order, questions which smite the foundations of civil government, and upon which the supremacy of the law over anarchy and riot verily depends.

"Are controversies to be determined in tribunals formally constituted by the law of the land for that purpose, or shall each who falls at odds with another take his own furious way? Are causes pending in courts to be decided by courts for litigants, or the view of each distempered litigant imposed?

"Are decrees of courts to look for their execution to the supremacy of law or tumble in the wake of unsuccessful suitors who overset them and lay about the matter with their own hands in turbulence proportioned to the frenzy of their disappointment?"

As for freedom of speech, Judge Wright declares that the federal Constitution guarantees "only that in so far as the federal government is concerned, its Congress shall not abridge it, and leaves the subject to the regulation of the several states, where it belongs." The question involved in the case, he thinks, is whether the tribunal of a certain class or the tribunals of the whole people shall be supreme—"the supremacy of law over the rabble or its prostration under the feet of the disordered throng." After sentence was declared, and an appeal from the decision was taken, the labor leaders were released on bail. President Roosevelt was urged to grant a pardon to the three men, on the ground that their sentences are extreme. He issued a statement to the effect that the matter could not properly come before him for consideration as long as there is an appeal pending and the courts have not finished with the case. The appeal can hardly be argued before March 4, and the request for a pardon must then, of course, come before President Taft. The attorney for the Bucks Stove and Range Company contends, however, that the President has no power to issue a pardon in this case, since the offence committed is in connection with a civil case, and the President's power to pardon is limited to offences against the United States.

The spirit in which the three men are regarded in labor union circles is well illustrated in the following words from a letter to Mr. Gompers from the executive committee of the New York State Federation: "History is replete with heroism displayed by men and women who forget self in a grand endeavor to ameliorate the conditions of the common people, and thousands of those who now cry out against methods used by organized labor are beneficiaries of the successful efforts put forth by the martyrs who have gone before. So will millions yet unborn benefit by the sacrifices now being made by you and your compatriots." The Socialist press, usually bitterly hostile to Mr. Gompers, has only words of praise for his present stand, and of condemnation for the court. Victor L. Berger, of the Milwaukee *Social Democratic Herald*, writes: "The only way to resist is—to *resist.* Let every labor paper in the country print the boycott list, including the boycott on the Buck Stove company, which ought to be given *special prominence.* Am willing that the *Herald* shall do so. However, in order to make it effective, *all* the labor papers must take concerted action."

It can not be said, however, that the daily press of the country manifest much solicitude for Mr. Gompers and his friends. The Baltimore *American* calls attention to the fact that in the original proceeding the punishment was not even a fine. Employers of labor, it says, can with greater justice complain of the leniency of the court than the labor leaders can have for complaint of undue harshness. It thinks that the proof of disobedience was clear even in the matter of the "secondary boycott" (boycott of others not a party to the dispute who continue to trade with the party that is listed as "unfair"), which was more vigorously prosecuted after the decree than before. Says the New York *Tribune*: "They set themselves up over the courts as an authority on the Constitution, but their pretext that the constitutional guarantee of free speech and a free press insured the right to destroy reputations and property as they were doing is the flimsiest possible. . . . If they stood for a better cause they would still deserve exemplary punishment. But they stand for a bad cause—in particular a boycott in support of a local union which violated its contract, and in general a combination to

force the preference of its members to all workers excluded from its rolls." The Kansas City *Times* thinks the court's point is unanswerable—that even if an error is committed in a decree it is imperative to the welfare of society that it be obeyed. "Courts," it remarks, "are not above criticism, but there is a vast difference between criticism of judicial action and open defiance of a court decree."

The most common criticism of the attitude of the labor leaders is that they had a right to appeal but no right to disobey. Says the Philadelphia *Record*: "If they were convinced of error in the application of the law or injustice in its operation, they should have sought their remedy in appeal to the higher courts or to federal and state legislatures for corrective statutory regulation. That way is open to all. In putting the Federation of Labor in opposition to the judicial enforcement of the law they make a tactical mistake. The Federation of Labor is not a law unto itself." The New York *Press*, one of the most radical of the dailies, takes the same view. It says: "Very clear was the real issue—the issue on which Gompers and his associates were found guilty. It was, and must ever be, that in laying down the law the court cannot be overruled by an individual. The private individual in a community of law and government can never have the privilege of refusing to obey the mandate of the courts." The Philadelphia *Ledger* thinks that nobody desires to see the labor leaders actually serve out their sentences, since "the great object sought in the dispute has been already attained." The New York *Sun* for several days after the decision was announced printed at the head of its editorial page utterances by President Roosevelt in opposition to the boycott, among them the following from a letter to Senator Knox, October 21, 1908: "The blacklist and the secondary boycott are two of the most cruel forms of oppression ever devised by the wit of man for the infliction of suffering on his weaker fellows."

What comes the nearest to support of the labor leaders in their contention that we can find in an influential daily paper is an editorial in the Springfield *Republican*. It regrets the temper shown by Judge Wright and "the extremity of his language," but it admits that no other decision could

be expected since the order of the court "had been openly and wantonly disobeyed." It is only by going back to the injunction itself, this paper thinks, that any material can be found upon which to hang an argument. As it understands the injunction, it applied not only to the secondary boycott but to the boycott in its most simple and inoffensive form—a form that did not include acts of intimidation or violence. Reasoning from this understanding of the case—which is at variance with the utterances already quoted of Judge Gould in granting the injunction—*The Republican* goes on to say:

"To all appearances the injunction in this case enforces a principle which would make it decidedly dangerous for two or more persons to agree, upon any grievance, to cease patronizing a merchant or manufacturer—particularly to publish or spread the report of their action. Thus the case may easily involve that gross abuse of the power of the equity court which has become so common and the subject of so much agitation. This case, moreover, raises a question of the freedom of speech and of the press, which cannot be overlooked. . . .

"The courts are reducing our boasted freedom and regard for the weaker industrial classes to a strange level compared with what obtains in monarchical England. They have been going too far; they will have to recede—at least until our society has adopted substitute measures for the due protection of the laboring masses."

One other interesting statement on the labor side of the case comes, strangely enough, from Mr. Van Cleave himself, who was the plaintiff in this case. A number of the labor leaders refer with bitterness to the fact that while the labor unions are enjoined from using the boycott, the employers have not been stopped by the courts, and perhaps can not be, from applying the black list to employees. Mr. Van Cleave also looks upon his side of the case, and attributes the existence of the boycott more to unfair employers than to unfair labor unions. Writing in *American Industries,* he says: "Let me repeat here what I have often said before, that I am just as much opposed to the greedy and tyrannical employers, outside as well as inside the trusts, as I am to the boycotters. They have done much to incite boycotting and the other vices which are perpetrated by many of the labor unions. These recreant employers numerically comprise only a small proportion of their guild, but their practices have injured every worthy employer in the country. In fact, I condemn them more than I do the objectionable labor unionists, for they stand higher socially, they are bet-

ter educated, and consequently better conduct is expected of them."

Forum. 42: 535-51. December, 1909.

Organized Labor and Court Decisions. James Boyle.

Conspiracies, Strikes and Lockouts.

The first trial in America under the old common law of England against trade combinations was in New York, when a number of journeymen bakers were convicted of conspiring not to bake bread until their wages were raised. There is, however, no record of any sentence having been passed upon them. The next case is an historic one, as being the first in America in which there are complete records. It is that of the boot and shoemakers of Philadelphia, in 1806. The defendants were indicted for:

First. Conspiring to increase their wages as cordwainers [shoemakers].

Second. Conspiring to prevent by threats, menaces and other unlawful means other workmen from working, except at wages they had fixed.

Third. Uniting themselves into a club and combination, making and ordaining unlawful and arbitrary by-laws, rules, and orders amongst themselves, and thereby governing themselves and other cordwainers, and unlawfully and unjustly exacting great sums of money, and conspiring that they would not work for any master or person who should employ cordwainers who should infringe or break the rules, orders or by-laws of the club, and by threats, menaces and other injuries, preventing other cordwainers from working for such master, and in pursuance of such combination refusing to work at the usual rates and prices paid cordwainers, to the damage of the masters, the commonwealth, and other cordwainers.

The jury returned a verdict of guilty, and the defendants were each fined eight dollars and costs.

The next important case is that of the journeymen cordwainers (shoemakers) of New York, or The People of the State of New York *v.* Melvin *et al.*, in 1809, before the Mayor of the city. They were indicted:

First. For, in brief, unlawfully, perniciously, and deceitfully organizing themselves into a club or combination, and making unlawful by-laws, rules and orders among themselves, and other workmen in the cordwainers' art, and extorting large sums of money, and by force and arms unlawfully assembling together and conspiring not to work for any master or other person who should employ workmen, journeymen or any other person in the said art who were not members of their club, after notice given to discharge such workmen from his employ.

Second. For conspiring together not to work for any master or person whatsoever in the said art who should employ any workmen who infringed or broke any of their rules, etc.

Third. For conspiring not to work for any master or person who should employ any workmen who broke any of their rules or by-laws, unless the workmen so offending shall pay to the club such fine as should be assessed against him, and that in particular they would not work for James Corwin and Charles Aimes, because they employed Edward Whitess, a cordwainer, who had broken one of their rules, and refused to pay a fine of two dollars therefor.

Fourth. That they wickedly, unjustly and unlawfully conspired to impoverish by *indirect means* said Whitess, and hinder him from following his trade, and did hinder him from following it, and did greatly impoverish him.

Fifth. For conspiring and agreeing by indirect means to prejudice and impoverish Whitess, and prevent him from exercising his trade.

Sixth. For conspiring not to work for the customary wages paid cordwainers, and to demand and extort for their labor in their said art great sums of money.

Seventh. Conspiring to unjustly and oppressively increase their own and the wages of other workmen, and that they would by threats and other unlawful means prevent or endeavor to prevent other cordwainers from working at lower rates.

Eighth. Conspiring that they would not work for any master who should have more than two apprentices at the same time to learn the art of cordwaining.

Ninth. Combining by indirect means to prejudice and impoverish certain master shoemakers and prosecutors of the indictment.

The jury convicted the defendants, who were fined one dollar each, and costs. In passing sentence, the Mayor observed that the novelty of the case, and the general conduct of the body of cordwainers, inclined the court to believe that they had erred from a mistake of the law, and from supposing that they had rights upon which to found their proceedings. That they had equal rights with all other members of the community was undoubted, and they had also the right to meet and regulate their concerns, and to ask for wages, and to work or refuse; but that the means they used were of a nature too arbitrary and coercive, and which went to deprive their fellow-citizens of rights as precious as any they contended for.

The different states have laws recognizing the rights of labor to organize and attempt peacefully to persuade others from working, but, in the main (except in the direction indicated), the old civil law of England still stands as the law of the United States, particularly as regards the civil liability of strikers. Then there are federal statutes, which make it an offence to obstruct the United States mails;—and the

vigorous action of President Cleveland in the Pullman-railway strike, at Chicago, in 1894, shows how effectively the strong arm of the national government can be used in certain emergencies against even the so-called "rights" of labor. Another instrument of regulation as to trade unions is the Sherman anti-trust law of 1890, which is occasionally invoked against trade unions as being "in restraint of trade."

It is a fact that at the present time the trade unions of Great Britain are in a far more favorable position as regards their legal status than are the unions of America. There is, indeed, almost an universal opinion in England, outside the membership of the trade unions themselves, that the recent law exempting trade union funds from liability for damages, and granting privileges to union men as to "picketing," etc., go too far in the direction of "special privileges." It must also be said that the American courts are far more inclined to grant injunctions against labor than are the British courts.

The American Federation of Labor

The national federation of individual unions of different trades is an American idea, as pointed out by John Mitchell, the noted labor leader, and one of the defendants in the contempt case. The present American Federation of Labor is the culmination of many efforts in the past. There had been a number of attempts to confederate local unions, principally by municipal groups, and there had been several failures in the direction of national combinations. The most ambitious—and for a time the most successful—of these attempts at national organization of labor, was "The Noble Order of Knights of Labor." Its failure seems to have been owing principally to the fact that it was too comprehensive in its basis of membership, and that it disregarded trade lines and sought to merge all trade unions into one body; but the organization is still in existence. The present Federation of Labor owes its origin to a combination of the Knights of Industry and the Amalgamated Labor Union, which latter organization was composed of seceders from the Knights of Labor. It was organized at Pittsburgh, Pa., on November 15, 1881, and was originally styled "The Fed-

eration of Organized Trades and Labor Unions of the United States of America and Canada." It is said that its membership started with a quarter of a million, but that it rapidly declined. At that time there was a keen rivalry between the Knights of Labor and the individual trade unions, turning on the fundamental question of the autonomy of each union. By 1886, the Knights of Labor had reached their greatest numerical strength. In the same year the Federation, which had been formed at Pittsburgh in 1881, merged at Columbus, Ohio, with a number of independent trade unions, and the combination was named the American Federation of Labor. By 1890, it claimed a membership of a quarter of a million. In 1898, the membership was 264,000; in 1899, it was 334,100; in 1900, 515,400; in 1901, 742,600; in 1902, 957,500. In 1904, there were 118 international unions having complete jurisdiction over their own trades, with an approximate membership of 2,000,000, affiliated with the American Federation of Labor. The *New York World Almanac* for 1909 gives the following particulars: "The Federation is composed of 116 national and international unions, representing approximately 27,000 local unions, 38 state branches, 587 city central unions, and 664 local unions. The approximate paid membership is 1,540,000. The affiliated unions publish about 245 weekly or monthly papers, devoted to the cause of labor. The official organ is the *American Federationist,* edited by Samuel Gompers." All the principal trade unions of the United States belong to the Federation with the exception of the following: the American Flint Glass Workers' Union, the Bricklayers' and the Masons Union, the Brotherhood of of Operative Plasterers, National Association of Letter Carriers, National Association of Steam Fitters, Stone Masons' International Union, Western Federation of Miners, and the following "Brotherhoods," each being a separate union: Locomotive Engineers, Locomotive Firemen, Railroad Switchmen, Railroad Trainmen, and the Railroad Conductors' Order. The object of the Federation is to encourage the formation of local and national unions, and to establish friendly relations between the various national and international organizations without interfering with their autonomy, to encourage the sale of union-label goods, to promote the

labor press, to secure legislation in the interest of the working masses, and to influence public opinion, by peaceful and legal methods, in favor of organized labor. The Federation is debarred by its constitution from directly affiliating itself with political parties.

The most important case in America involving the rights of organized labor as to boycotting, injunctions, and contempt of court, is that of the suit of the Buck Stove and Range Co., of St. Louis, against the American Federation of Labor, and a number of its officials, and its subsequent developments. This case will undoubtedly be historic, not only on account of the importance of the direct results of the suit, but because of the principles of law decided; and it may be also be historic because of after-results, as regards the relation of organized labor to politics. The records of the case are very voluminous, but the main incidents, when separated from the multitudinous details, are simple, and briefly are as follows:

The Federation's Boycott Injunction Contempt Case

In August, 1906, some metal polishers at the works of the complainant's factory struck. Thereupon the Metal Polishers' Union declared the complainant "unfair" to organized labor, and published the declaration in their local labor journal, issued circulars to the same effect, and in various ways sought to "boycott" complainant's goods, which heretofore had had yearly sales amounting to $1,250,000, throughout the various States of the Union. In November, 1906, the St. Louis Central Trades and Labor Union endorsed the boycott. At the regular annual convention of the American Federation of Labor, in November, 1906, a resolution was adopted endorsing the action of the St. Louis labor organizations in their controversy with the complainant, and ordering that the name of the latter be published in the "We Don't Patronize" list of the *American Federationist*, the official organ of the Federation. One of the methods of enforcing the demands of the Federation is the systematic use of the boycott, for which there is the most thorough plan. The Executive Council of the Federation is authorized to approve of, and declare boycotts of individuals and concerns, and is required

to present at each annual convention a printed statement of the details leading up to any pending boycotts approved by it. At each convention the President of the Federation appoints a committee on boycotts, to which are referred all resolutions relative to the boycotting of individuals and concerns whose business is to be attacked. It is said that during the twenty years of its existence the Federation has declared many hundreds of boycotts, there having been over 400 during the last dozen years. These boycotts, it seems, have been made or approved and prosecuted by the Federation in response to the application of individual unions affiliated with it. At the convention of the Federation held in 1905 a resolution was adopted which commenced as follows: "We must recognize the fact that a boycott means war, and to successfully carry out a war we must adopt the tactics that history has shown are most successful in war. The greatest master of war said that 'war was the trade of a barbarian, and that the secret of success was to concentrate all your forces upon one point of the enemy, the weakest, if possible.'" Adopting this principle, the Federation recommended that the boycotting tactics should be concentrated upon the least number of "unfair" parties that was possible. "One would be preferable. If every available means at the command of the State federations and central bodies were concentrated upon one such, and kept up until successful, the next on the list would be more easily brought to terms and within a reasonable time none opposed to fair wages, conditions or hours but would be brought to see the error of their ways and submit to the inevitable." At the same convention another resolution was adopted requiring local organizations that had induced the Federation to endorse boycotts and to place names on the "We Don't Patronize" list, to report the situation to the Executive Council of the Federation every three months, it to be stated in that report what efforts were being taken to make the boycott effectual. Failure to report for six months was to be sufficient cause to remove such boycotts from the "We Don't Patronize" list. The Federation's rules prescribe that no boycott shall be endorsed until "after due investigation and attempted settlement". [In this particular case of the Buck Stove and

Range Co. there is a conflict of testimony upon this point.] But after an individual or concern has been declared "unfair" by the Council of the Federation, then the secretaries of all the local unions, amounting to many thousands, are notified to read the pronouncement out at a meeting of each union, and to have the reform and labor press publish the same; and the individual or firm so declared to be "unfair" has its name included in the "We Don't Patronize" list published in the monthly organ of the Federation, the *Federationist.*

In March, 1907, the Executive Council of the Federation placed the complainant and its products on the "We Don't Patronize" list of the *Federationist,* and a circular was issued to the local unions calling their attention to this action. The effect of the boycott on the sale of the stoves and ranges of the Buck Company was immediate and far-reaching. Dealers all over the country notified the company that owing to the pressure and threats of boycotts on themselves by the local labor unions and their friends, they were compelled to cease handling the goods of the Buck Company. Complainant's suit was to enjoin this boycott. After hearing upon the bill, and defendants' return to the rule to show cause, an injunction *pendente lite* was granted; and subsequently a decree was issued that the defendants, "their and each of their agents, servants, attorneys, confederates, and any and all persons acting in aid of or in conjunction with them or any of them be, and they hereby are, perpetually restrained and enjoined from conspiring, agreeing or combining in any manner to restrain, obstruct or destroy the business of the complainant, or to prevent the complainant from carrying on the same without interference from them or any of them . . . and from printing, issuing, publishing or distributing through the mails, or in any other manner, any copies or copy of the *American Federationist,* or any other printed or written newspaper, magazine, circular, letter or other document or instrument whatsoever, which shall contain or in any manner refer to the name of the complainant, its business or its product in the 'We Don't Patronize' list of the defendants, . . . or which contains any reference to the complainant, its business or product in connection with the term 'Unfair' or with the 'We Don't Patronize' list,

or with any other phrase, word or words of similar import, and from publishing or otherwise circulating, whether in writing or orally, any statement, or notice, of any kind or character whatsoever, calling attention to the complainant's customers, or of dealers or tradesmen, or the public, to any boycott against the complainant."

Two things may be observed: First, the business-like way in which the American Federation of Labor declared and prosecuted boycotts. Boycotts are often called "un-American," but the defence in this case introduced evidence that in Revolutionary times "The True Sons of Liberty" boycotted those who continued to import British goods. There was prepared a list of the names of those "who audaciously continue to counteract the united sentiments of the body of merchants throughout North America; by importing British goods contrary to agreement." And one of these lists was posted up at the door or dwelling-house of each offender, "as a warning to any one that shall affront as aforesaid." And to each such notice was a further notice: "It is desired that the Sons and Daughters of Liberty would not buy any one thing of him, for in so doing they will bring disgrace upon themselves, and their posterity, forever and ever, Amen."

The second thing to be observed is the sweeping nature of the restraining order of the Court. It is not all given above, but the extracts indicate with sufficient fullness its character.

The American Federation of Labor appealed against this decree, and on March 11, 1909, the Court of Appeals of the District of Columbia rendered a decision which sustained but modified it. The Court of Appeals said that the clean-cut question was whether a combination, such as was entered into in this case—which has for its object the coercion of a given firm through the instrumentality of the boycott—is lawful. The Court remarked in its presentation: "In our opinion, it is more important to wage-earners than to employers of labor that we declare this combination unlawful, for if wage-earners may combine to interfere with the lawful business of employers, it follows that employers may combine to coerce their employees."

The Court of Appeals defined a boycott as "a combination to harm one person by coercing others to harm him." In its opinion the combination in this case not only answered this definition, but also the definition of a common law conspiracy. The immediate purpose and result of the combination was, the Court held, to interfere with complainant's lawful business, and to deprive complainant and its customers of their right to trade intercourse. If the immediate object was unlawful, the combination was unlawful. That no physical coercion was practised in this case did not alter the conclusion of the Court, since restraint of the mind, as the evidence in this case clearly demonstrated, was just as potent as a threat of physical violence.

The Trades Dsputes Act passed in 1906 by the British Parliament—which was quoted by the judge giving an opinion dissenting from the majority decision of the Court—contains this clause:

An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

That clause in the British Act has been bitterly criticised because it practically places trade unionists apart from their fellow-citizens as a privileged class above ordinary law. It is interesting to compare this special class-legislation of the British Parliament with the principles laid down by a majority of the Court of Appeals of the District of Columbia in this case:

The contention is put forward that inasmuch as each member of the Federation has the right to bestow his trade where he will, according to his whim or fancy, it cannot be unlawful for a combination of members to do what each acting separately may do, and that, therefore, the combination may lawfully discontinue or threaten to discontinue business intercourse with a given firm and all who handle its product, or, to state the proposition bluntly, that the boycott as previously defined is lawful.

To admit the soundness of this contention is to give legal support and standing to an engine of harm and oppression utterly at variance with the spirit and theory of our institutions, place the weak at the mercy of the strong, foster monopoly, permit an unwarranted interference with the natural course of trade, and deprive the citizen of the freedom guaranteed him by the Constitution. The loss of the trade of a single individual ordinarily affects a given dealer very little. Being discriminating, the purchasing public, if left free to exercise its own judgment, will not act arbitrarily or maliciously, but will be controlled by natural considerations. But a powerful combination to boycott immediately deflects the natural course of trade and ruin follows in its wake because of the unlawful design of the conspirators to

coerce or destroy the object of their displeasure. In other words, it is the conspiracy and not natural causes that is responsible for the result. From time immemorial the law has frowned upon combinations formed for the purpose of doing harm, and we think public policy demands that such a combination as we have found to exist in this case be declared unlawful.

The Court next takes up the contention of the defence that the decree of injunction is an infringement of the constitutional guaranty of freedom of speech and of the press, and says:

In so far as it seeks to restrain acts in furtherance of the boycott we do not think it constitutes either a censorship of the press or an abridgment of the right of free speech. An unlawful combination was found to exist, which, unless checked, would destroy complainant's business and leave [no] adequate redress. The Court, therefore, very properly sought to restrain the cause of the mischief, the *unlawful combination.* The "We Don't Patronize" or "Unfair" list and oral declarations of the boycott were included in the decree because they were among the means employed in carrying out the unlawful design. . . .

Oral and written declarations in furtherance of a conspiracy are tentacles of the conspiracy and must be treated as such and not as independent acts.

Up to this point the decree of injunction was sustained. But part of the decree was modified. The Court of Appeals goes on to say:

But we think the decree in this case goes too far when it enjoins the publication or distribution through the mails or otherwise of the *Federationist* or other periodicals or newspapers containing any reference to complainant, its business, or product, as in the "We Don't Patronize" or "Unfair" list of the defendants. The Court below found, and in that finding we concur, that this list in this case constitutes a talismanic symbol indicating to the membership of the Federation that a boycott is on and should be observed. The printing of this list, therefore, was what the Court sought to prevent and what, in our opinion, the Court had power to prevent; but the decree should stop there and not attempt to regulate the publication and distribution of other matter over which the Court has no control . . . for, when the conspiracy is at an end, the Federation will have the same right that any association or individual now has to comment upon the relations of complainants with its employees. It is the existence of the conspiracy that warrants the court in prohibiting the printing of this list. Manifestly, when the conspiracy ends the prohibition ought also to end.

We are of the opinion that the decree is too broad in other respects. . . . We think it should attempt no more than a prohibition of the boycott and the means of carrying it on, that is, the declarations or threats of boycott or other manner of intimidation against complainant's patrons or those handling or wishing to purchase its product. We have no power to compel the defendants to purchase complainant's stoves. We have power to prevent defendants, their servants and agents, from preventing others from purchasing them.

For the reason stated, the decree was modified and affirmed to the following effect: The defendants were—as

were their agents, servants, and confederates—perpetually restrained and enjoined from conspiring or combining to boycott the business or product of complainant, and from threatening or declaring any boycott against said business or product, and from aiding, or assisting in any such boycott, and from printing the complainant, its business or product, in the "We Don't Patronize" or "Unfair" list of defendants in furtherance of any boycott, or from referring, either in print or otherwise, in such manner.

The second of the concurring judges, in a separate opinion, explained that he believed a boycott was legal when unaccompanied with threats to compel others to join them in the boycott.

The third judge dissented from part of the modified decree, although he agreed that the combination to boycott became unlawful when threats or coercion was used. He held that there was no power to restrain the publication of which complaint was made.

Important as are the issues involved in the above decision, it was overshadowed—at least in popular estimation—by an issue which developed while the case was pending, that of the alleged "contempt of Court" on the part of certain officials of the American Federation of Labor, by violating the restraining order of the Court, and their sentence to imprisonment for this offence as found by the Court.

The Federation, through its officers—and particularly Samuel Gompers, the President of the Federation and the editor of its organ, the *Federationist*—at all times took the ground that the injunction prohibited the exercise of the constitutional rights of free speech and freedom of the press, and hence was null and void. Both editorially and on the public platform he discussed the principles involved in this injunction, and protested against its denial of constitutional rights, as he claimed. But the Court found that he and two other officials of the Federation—Frank Morrison, the Secretary, and John Mitchell, a Vice-President—were guilty of contempt of Court in violating the injunction. The original injunction was issued by a judge of the Supreme Court of the District of Columbia (Washington), and the proceedings in contempt were before the same Court, but before a differ-

ent judge. This latter judge found that evidence before him showed that the defendants had determined to violate the injunction if it was issued, and that as a matter of fact the injunction was violated both by publication and orally. The defence claimed that when the injunction came into effect the American Federation of Labor complied with it, and removed the Buck's Stove and Range Company from the "We Don't Patronize" list. The Court, however, found that the defendants had "rushed" an edition of the *Federationist* through the mails, in order to have the list in circulation before the date of the injunction taking effect, and that by special arrangement of type of ostensible "news" matter, the enjoined matter had in effect been published, and the same offence had been committed by oral announcements. The Court also found that one of the defendants (John Mitchell) had, as the president of the United Mine Workers of America (he also being one of the vice-presidents of the Federation), a number of times declared that he would disobey what he considered an unlawful injunction; and that after the injunction in question, he presided at a convention of the United Mine Workers at which a resolution was passed ordering that the complainant be placed upon the "Unfair" list, and imposing a fine of five dollars on any member of the union who purchased the complainant's goods, failing to pay which fine the member was to be expelled from the union. For their contempt of the Court in disobeying the injunction, the defendant Morrison was sentenced to six months in jail, Mitchell to nine months, and Gompers to twelve months.

On November 2, 1909, the Court of Appeals of the District of Columbia affirmed the judgment of Justice Wright as to contempt; and unless that judgment is upset by the Supreme Court of the United States, or the President interferes, the defendants must go to jail.

Unconstitutional Labor Laws

In all the history of trade unionism in the United States there has been nothing which has created such a deep-seated, widespread, and permanent feeling of grievance as to the question of its legal status as affected by the decisions of the courts, federal and state.

Within the recent years there has been a long list of decisions by the Supreme Court of the United States declaring certain "labor laws" void because they conflicted with the federal Constitution. Many similar decisions have also been given by state courts. And there is a still longer list of injunctions by courts federal and state, to compel trade unionists to refrain from breaking the law or from stepping over the limitations imposed by the Constitution, federal or state, as the case might be—or from trespassing on the rights of others as guaranteed by the Constitution.

There are several phases of the matter, outside the merits of the cases—either as to the law or as to the facts—which are very interesting. The first is regarding a written constitution as affecting legislation. In his last annual report (November, 1908) to the American Federation of Labor, Mr. Gompers, the president, said: "It will be observed that what the working people of our Republic ask at the hands of our Congress is fully within the bounds of the law enacted in the monarchy of Great Britain. Recently some one said that such a law could be enacted by the British Parliament, because special legislation is permissible and even natural, since each dominant class has legislated in and for its own interest, while in our country we have a written Constitution forbidding special legislation. . . . Surely, the British Parliament, under a monarchy, would not accord special privileges, and special rights, to give to the workers of that country a power and a privilege to exercise such activities as are unjust or harmful to the people or the institutions of that country."

As a matter of fact, there is no one thing which reconciles the majority of the British people to a hereditary House of Lords in these days as the fear that a one-chamber Parliament, under the domination of organized labor, and particularly of the Socialists, would not only pass the most extreme communistic and class legislation, but that that legislation would grossly violate the rights of minorities and of individuals.

The difference between the British Parliament and the Congress of the United States is this: Parliament, in a political and constitutional sense, is omnipotent, with only revo-

lution or civil war as an alternative. Constitutionally, Parliament is the supreme power, the court of last resort in the British Empire, except civil war. It can make and unmake the sovereign; it can define the conditions of the loyalty of the citizens of the empire to the sovereign; and if the sovereign violates the terms on which he wears the crown the citizen is absolved from allegiance. Every law passed by the British Parliament is constitutional. There is no such thing as an unconstitutional law in the United Kingdom, if it is passed in due form. The British Parliament has no Supreme Court to review its legislation. It is its own Supreme Court. It is a favorite nut to crack among the British constitutionalists as to how far the sovereign is independent of Parliament; but in a practical sense Parliament is supreme even over the sovereign—with civil war as the only active protest left against Parliament. Another constitutional nut to crack is whether Parliament can legislate itself out of existence, and thus bring anarchy into being without any legislative act establishing that form—or rather absence of form—of government.

Hence, there is a great difference between the condition of validity of an act passed by the federal Congress or a state legislature, as compared with one passed by the British Parliament. It is sometimes said that an Act of Congress is never valid until it has been passed upon favorably by the Supreme Court of the United States, even though it has passed the veto prerogative of the President—although, of course, an act is to be considered as constitutional until it has been declared otherwise by the Supreme Court.

It is a fact, as complained of by the president of the Federation of Labor, that the British Parliament have passed a number of laws in the interest of labor, and that when the American Congress has passed similar laws the Supreme Court has declared them to be contrary to the Constitution of the United States and, therefore, invalid. But Mr. Gompers is in error in assuming that the British acts were not special legislation in the interest of one class. On the contrary, a number of these labor laws were avowedly passed as special legislation in the interest of one class as against other classes. This the British Parliament can do, and there

is none to say it nay, except the electors themselves at the next election. It is otherwise with the federal Congress and the several state legislatures of the United States. The decisions of the American courts about which complaint is made are so decided, generally, either because they are *special* laws—that they are "class legislation"—and, therefore, against both the spirit and letter of the constitutions, federal and state, or else because they have infringed upon the personal and individual rights of certain citizens—and it does not matter whether these citizens are rich or poor, or employers or employees.

Among Americans there is a general acceptance of the doctrine of the right of the Supreme Court of the United States to pass upon the validity of acts of Congress and of state laws in certain aspects, in cases brought before it, in which these laws are involved. The majority of Americans evidently take it for granted that this power is specifically given to the Supreme Court by the Constitution itself. Not so. The authority is only an *implied* one—and some even claim an *usurped* one. It seems to be a natural corollary that if there is a written constitution prescribing the limitations of legislative power, there must be lodged somewhere an authority to decide whether, and when, and where those limitations have been overstepped. The Supreme Court of the United States assumed, on its own motion, that this power was lodged with it, getting its authority by implication. That assumption has been challenged in the past, but without avail. It is challenged now in a formal way by the Socialist Party, who in their "platform" of 1908, upon which Mr. Debs ran for President, included this in their "demands":

The abolition of the power usurped by the Supreme Court of the United States to pass upon the constitutionality of legislation enacted by Congress. National laws to be repealed or abrogated only by act of Congress or by a referendum of the whole people.

The Supreme Court of the United States has, within a recent period, declared unconstitutional the following "labor laws":

That the Constitution be made amendable by majority vote.

The law of the state of New York (passed by the state legislature) limiting the hours of workmen in bake shops to ten per day.

The law prohibiting "common carriers" engaged in interstate

commerce from discharging employees because of membership in a labor organization, or from discharging them for any reason.

The law limiting the hours of telegraphers and other railway employees of common carriers engaged in interstate commerce.

The eight-hour law so far as it applies to dredge-men in Government employ.

Federal courts, other than the Supreme Court, have also declared unconstitutional the law passed by Congress prescribing the hours for telegraphers and other railway employees; and also the Congressional law providing for the liability of common carriers engaged in interstate commerce for accidents to their employees.

There have been a multitude of similar decisions by the state courts, and as they have not been negatived by a higher court or by legislation they must be considered the law of the land:

Maliciously inciting the employees of a railroad which is being operated by a receiver of the court to strike, is contempt of court, and punishable.

Combinations of employees to compel railroads to cease using certain cars (because of a strike against the owners or makers) is a boycott, and is an unlawful combination.

An employer is under no legal obligation to give a discharged employee a statement of his service.

The "black-list" has been declared lawful.

In the noted case of the Buck Stove and Range Co. *v.* The American Federation of Labor, the latter was enjoined from declaring, threatening, or maintaining a boycott.

Combinations to compel a manufacturer whose goods are sold in other states to "unionize" his shop is in "restraint of trade," within the meaning of the Anti-trust Act, and is therefore illegal.

Contracts of public bodies limiting the work to union labor are void.

A law prohibiting an employer from making a condition of employment the withdrawal from a trade union on the part of the employee is unconstitutional.

The "Unfair" list, when its object is to induce a boycott, is declared unlawful.

A labor organization which compels an employer to discharge non-union men by threats to notify all labor organizations that the employer is a non-union one, is liable to action for damages by a non-union employee as an aggrieved party.

A demand by workmen for a "closed shop" is contrary to "public policy."

A statute compelling corporations to assign reasons for discharging an employee is unconstitutional.

A statute prohibiting "blacklisting" by employers is unconstitutional.

"Picketing," for the purpose of annoying non-union men, is unlawful.

There have been a multitude of similar decisions by the state courts. One of the most important of these was by the Supreme Court of the state of Ohio, declaring unconstitu-

tional a law (passed in 1900) limiting to eight hours a day laborers, workmen, and mechanics engaged upon public work or work done for the state. The Court held that this law "violates and abridges the right of parties to contract as to the number of hours' labor that shall constitute a day's work, and invades and violates the right, both of liberty and property, in that it denies to municipalities and to contractors and sub-contractors the right to agree with their employees upon the terms and conditions of their contracts."

The Supreme Court of the state of Massachusetts has given a decision which may have as far-reaching a result as almost any that has been rendered in regard to organized labor. It is to the effect that members of a trade union cannot be compelled to strike by the organization. A bricklayers' union had ordered a strike to enforce a demand, but some of the members declined to obey the order. Thereupon the union voted to fine the disobedient members, and the latter appealed to the courts to enjoin the union enforcing its demand. The injunction was issued, and the Supreme Court of the state sustained the restraining order.

The Supreme Court of the state of New York has decided that the legislature of the state cannot prescribe the compensation which municipalities must pay their employees.

The Missouri State Supreme Court has declared an "anti-truck" law unconstitutional.

There has been a recent Canadian decision in line with several given on this side of the border. In Winnipeg, Manitoba, the plumbers' union struck, and pickets were posted around the workshops. The employers brought suit, and the court not only enjoined the men from picketing, but mulcted them in damages to the extent of $25,000 and decreed that each member of the union could be assessed individually and his property attached to satisfy the judgment.

It may be stated as a general proposition that the trend of decisions of the American courts is opposed to the spirit and intent of recent legislation by the British Parliament in regard to compensation for injuries, the American authorities generally holding to the old doctrine of "contributory negligence" and the requirement of the employee to safeguard his own person from injuries.

Independent. 54: 3038-9. December 18, 1902.

Incorporation of Trade Unions.

Incorporation of trade unions has lately been the topic of discussion in connection with labor disputes both in this country and in Great Britain. It has been argued on the employers' side that it will be impossible to enter into agreements with trade unions until they become incorporated bodies fully responsible for any breach of contract by its member or officers; the implication being that an unincorporated labor union could not be made legally liable for breach of contract or tort. This view has been readily accepted by the labor side, and has been urged as an argument against incorporation.

This sentiment has been strengthened since the decision rendered last year by the House of Lords in the case of the Taff Vale Railway Company against the Amalgamated Society of Railway Servants. In that case counsel for the labor union argued that as it was neither a corporation nor a partnership it could not be made a party to an action in court; this contention was overruled by the House of Lords. The decision elicited a great deal of adverse criticism in circles friendly to labor. A noted British publicist was reported to have said that the decision of the House of Lords would enable the employers to break up the trade unions by obtaining heavy judgments against them and levying upon the funds in their treasuries.

In whatever direction one's sympathies may lie, it must be admitted that the decision of the House of Lords is sound law. The position that a trade union "can do no wrong" in a legal sense is untenable. Nor is there in the decision any novel departure from accepted principles. The rigid forms of the old English common law, which required the joinder of all individuals belonging to an association as parties to the action, have long since been relieved by the more liberal practice of the courts of equity. Under the rules of equity pleading, when the question is one of common interest to many persons, or when the parties are very numerous, and it

is impracticable to bring them all before the court, one or more of them may sue or be sued as representing the interests of all. This rule specially applies "where the parties form a voluntary association for public or private purposes, and those who sue or defend may be presumed to represent the rights and interests of the whole." (Story, Equity Pleading, Sec. 107.)

The New York Code of Procedure of 1847, which simplified procedure by effacing the distinction between actions at law and suits in equity, adopted these rules of pleading almost verbatim (Sec. 448 of the present Code of Civil Procedure). They were reproduced from the New York Code in the codes of California, Colorado, Indiana, Kansas, Kentucky, Nebraska, Ohio, etc., and also in the British Judicature Act of 1873.

Thus it is evident that in Great Britain, as well as in the United States, and in Code states as well as in those where the old practice still prevails, a suit can be maintained against an unincorporated trade union for a breach of contract or a tort. In New York the practice in such cases has been further regulated by a later amendment, which relates to actions by or against "unincorporated associations consisting of more than seven members." An action in such a case must be brought against its president or treasurer, and the judgment binds the property of the association. Under these provisions actions have been maintained in New York courts by and against the Knights of Labor and many other unincorporated labor organizations.

A trade union can, therefore, gain no immunity from judgments for breach of contract or tort by a mere failure to incorporate. The real issue in all recent injunction cases is the right of labor unions to resort to such methods as picketing, boycotting, etc., which are usually enjoined by the courts. In the Taff Vale case the court below granted an injunction restraining the union from picketing. Counsel for the union attempted to defeat the injunction by raising the technical question of the status of a trade union in court and was sustained by the Court of Appeal. This was the

only question before the House of Lords, the vital issue thus being obscured by a technicality. Council may be excused for attempting to win their clients' case upon a technicality, but great social problems cannot be solved by clever technical points.

There are, however, more valid objections to incorporation of trade unions under the present state of corporation law. The object of a trade union is to represent its members in the collective bargaining for terms of employment. Now, an agreement made by an unincorporated trade union for the benefit of its members is easily enforcible, inasmuch as their rights under such an agreement "are not materially different from those of partners" (McMahon *vs.* Rauhr, 47 N. Y., 67). The union would be entitled to bring suit against an employer for a breach of the labor agreement resulting in a loss to its members. The moment, however, the union incorporates, the law regards it, like any other corporation, as a body separate and distinct from its members. An unauthorized reduction of the scale of wages is an injury to the individual members of the union, but the union, as a corporate body, has sustained no pecuniary loss thereby, and can therefore claim no damages for the breach of the contract of employment. We are thus brought face to face with a legal paradox—viz., that a thousand workmen may combine into an association for the purpose of making a contract with an employer and that contract will be enforced by the court, but should the same association incorporate under the law it forfeits its remedies against the employer for breach of contract. This clearly shows that the present corporation law, which is adapted to the needs of business corporation is unsuited to the requirements of a trade union.

There can be no objection in principle to the incorporation of trade unions, but in order to make it practically feasible an adequate law must be framed which will assure to the incorporated trade unions the same legal remedies against an employer for breach of contract as the employer now possesses against a trade union.

Independent. 66: 11-3. January 7, 1909.

What Organized Labor Ought to Have: A Reply to Mr. Gompers. Everett P. Wheeler.

Henry George said that labor asked for justice. This it certainly should have—absolutely impartial justice. But it ought not to have special privileges. This, it seems to me, is what Mr. Gompers asks.

His fundamental mistake is in his claim that there can be no property in anything intangible, and that labor is intangible. A right of property in the labor of another man, he says, means slavery. He declares that it is an inalienable right of freemen "to work for whom you please, to stop work when you please, for any reason you please, or for no reason."

This definition of slavery is erroneous. Slavery means the subjection of one person who is of full age, and possest of his faculties, against his consent, to the control of another. But if the consent be given, there is no slavery. If a Circassian sells his daughter to a Turk, against her will, she becomes the slave of the Turk. But if she voluntarily marries him, she becomes his wife. As a wife she owes many duties to her husband. To the performance of these she voluntarily bound herself when she became his wife. This is not slavery. So with a man's labor. It is his property, and a sacred and indispensable property. He is free to sell it or to refuse to sell. But once he contracts to give his labor, the person with whom the contract is made has property in its performance.

If a manager contract with a singer to sing in opera, the tenor must keep his contract or respond in damages. The contract for his service is just as much property as the lease of the opera house.

When a trades union or a single workman agrees with a corporation or an individual for the doing of work, the right to have that contract performed is property. Well does Mr. Gompers say: "The trade agreement between the union and its employers we believe to be the keystone of peace in the industrial world today."

When that trade agreement is made, each party has a

vested right to its performance by the other, and that right is property.

Therefore, the Canadian Arbitration Statute and the American Railroad Act are right. The American act is entitled "An act concerning carriers engaged in interstate commerce and their employees." It was approved June 1st, 1898. It provides that "whenever a controversy concerning wages, hours of labor or conditions of employment shall arise between a carrier subject to the act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of the carrier," either party may demand an arbitration. Pending the arbitration the status existing immediately prior to the dispute must not be changed; provided that no employee shall be compelled to render personal service without his consent. Employees dissatisfied with the award are forbidden to quit the employer's service before three months after the award, without giving thirty days' notice. In like manner a dissatisfied employer cannot discharge employees on account of dissatisfaction with the award without giving thirty days' notice.

This act was successfully invoked in March, 1907, to prevent a great railway strike west of Chicago.

Both the American and Canadian acts provide a definite method of enforcing some of these trade agreements. They recognize the great injury to thousands of innocent people that may be caused by a sudden strike or a sudden lockout in the management of a public service corporation. (The American act is limited to railroads.) And they forbid a strike or lockout, in the case of disagreement between employer and employed, until there has been an arbitration. This is a great step in advance. Civilization means the enforcement of contracts by lawful means. To compel another, by individual warfare, either to make or to keep a contract, is barbarism.

In the long run, the sacredness of contracts means more to the labor union than to the employer. What the honest workman wants is steady work on terms to which he has freely agreed, and the performance of which he can enforce.

The justice of Mr. Gompers's criticisms on the Sherman Act must be admitted. That law was tost into the statute

book by that hysterical wave of prohibition that has been sweeping over this country. An evil is seen. The hasty impulse of the sincere fool, and the ready compliance of the shortsighted knave, is to put a prohibitory law on the statute book. The first satisfies his morbid conscience. The second curries favor with the noisy constituent, and thinks the law will never be enforced.

By all means amend the Sherman Act. Repeal the prohibition against combinations, whether of labor or capital. Instead thereof, regulate both. Provide an effective remedy by which the illegal acts of either can be readily restrained.

It will be asked: "What would you designate as illegal acts?" I answer: Interference with the property rights of others, whether employer or employed. The blacklist ought to be illegal. The workman has a right to contract for his labor. The employer ought not to interfere with this right. On the other hand, if one workman has contracted to labor for an employer, another ought not to entice him to break that contract. Each party to the contract has a property right to its performance by the other.

Mr. Gompers says to us: "Labor's weapons are in no sense weapons of aggression; they are nothing more than purely passive resistance."

If this were true, there would be no just cause for complaint. But is it true? In the Danbury hat case, a manufacturer in Danbury was peaceably making hats. He had in his employ men who had freely contracted to work for him in that business. Was it no aggression to boycott his customers and prevent him from making sales, and his workmen from working to make hats? Is the law so blind that it can only see direct acts of violent aggression? Is it murder to stab a man to the heart, and not murder to kill him by poison sent thru the mails? Mr. Gompers can never convince the American people that there is any difference in guilt between the two or that there should be any difference in the legal remedy.

He argues that the criminal law affords sufficient protection. Unfortunately, it does not. The criminal law of America was not devised for the purpose of punishing the guilty. It expressly declares that it is better that ten guilty men

escape than that one innocent man be punished. And if it were otherwise, criminal law is a poor protection for civil rights. Leave that to the civil courts.

Now, it may be that in some cases injunctions have been improvidently granted. Judges are not infallible. But the means of redress are available. Who can name a labor suit where an improvident injunction has been in the end sustained? On the other hand, the injunction was of invaluable service to the public in the Chicago railroad strike and in the San Francisco 'longshoremen strike. The brutal violence of the strikers was the reverse of "passive resistance." If continued, it would have caused a complete cessation of commerce. "Commerce," as the Flemish burghers said to Charles the Bold four hundred years ago, "commerce is irreconcilable with war."

Again, Mr. Gompers declares: "No man has a property right to the custom of any other man in business." This is his second fundamental mistake. The good-will of a business is a property right, and often very valuable. It is constantly bought and sold. The good-will of a business is the interest of the owner in the custom of that business.

Let me illustrate by a case in my own experience. Over thirty years ago the Atlantic and Pacific Telegraph Company was competing with the Western Union. The latter had then the monopoly of the cable lines to Europe. It refused to transmit over these cable lines messages forwarded by its competitor. I obtained an injunction restraining it from refusing. Under this order cable messages were transmitted until the merger of the two companies. This injunction was vital to the existence of the competing company, for its customers, as a rule, would not deal with it unless they could have cable as well as land messages forwarded.

There the court recognized property in the custom which the telegraph company had obtained. And it recognized property in the contract of the operators to transmit messages. It protected the one and enforced the other.

Mr. Gompers is right in saying the labor union "sells the power to labor." In making this sale it should obey the laws of trade. These are to make a good article and sell at a fair price. Let organized labor strive for both ends, and it

will have the support of all good men. But, he adds, the labor union is not a trust because it "deals, not with material things, but with the labor of its members; it aims, not to confine its benefits to a few, but to bestow them on every member of the trade."

There again is the fundamental mistake that a combination is not a trust because it deals only with immaterial things. They are just as much the subject of property as material things. Light and air are just as necessary as bread and water. The elevated railroads have in many instances paid as much as a million dollars per mile for interfering with the light and air of the abutting owners. When you buy a corner house you pay more than for a house on an inside lot, because you get more light and air. Whether, therefore, a combination deals in labor or in sugar, it is equally a trust, and ought not to be prohibited, but be allowed perfect freedom as long as it does not interfere with the rights of others, but no longer.

And when we are told that the labor union limits its aim to "every member of the trade," we, who are not members, feel that the aim is narrow and shortsighted. The real good of the members of the trade is bound up with that of those who are not members. If a union man does a good job, the customer is benefited. If he scamps his work, the customer suffers. When many customers suffer, their ability and their disposition to pay good wages are both diminished. "When one member suffers, all the members suffer with it."

One other flaw in Mr. Gompers's argument requires consideration. He maintains that an act lawful in the individual ought not be unlawful to a combination. Let us see. If one man enters my house and behaves decently he is welcome. But if a thousand men come at once and fill it, they violate my right to use my own home. If the grocer nearest me dislikes me and refuses to sell me food, I can buy elsewhere. But if all the provision dealers in town combine to refuse to sell me food, they starve me to death. That is murder just as much as if they killed me with a pistol.

"You take my life when you do take the means by which I live."

The test of the lawfulness of a combination should be the

lawfulness of the purpose for which it was formed. A combination to economize the cost of production and thereby give the buyer a better article at a cheaper rate should always be lawful. A combination to destroy a man's business is the "ferocious competition" of which Mr. Justice Holmes speaks, and should always be unlawful. On these lines, let the Sherman Act be amended.

In conclusion, Mr. Gompers declares: "The workingmen constitute the great majority of people in the world; finally, they will take over the power of government." Yes, the workingmen. But who are the workingmen? Farmers and farm laborers are workingmen. Those engaged in personal service are workingmen. Ministers, lawyers, doctors, engineers, teachers are all workingmen, and generally work more than eight hours a day. "Organized labor" does not include more than one-tenth of the population of America. Trades unions have been in many instances of great service to their members, and to the public. As long as they ask for justice, and limit their endeavors to that, they will have public support. But when they seek to gain their ends by violence, direct or indirect, the pistol, the club, or the boycott, they will be defeated. This is a free country, and the man who does not belong to a labor union has just as indefeasible a right to sell his labor as if he were a member. This right the laws of a free country will always protect.

AFFIRMATIVE DISCUSSION

Peters, J. P. Labor and Capital. pp. 55-61.

Benefits of Labor Unions. James Bronson Reynolds.

Benefits to employed.—I would specify three classes of benefits which unions give to their members. The first is the immediate, material benefit for which the union is organized, namely, a fair working day and as high wages as possible. If you find a trade with short hours and good wages you may be sure that it is one whose workers have been organized into a union. If the hours are long and the wages small you may safely infer that the trade is either unorganized or weakly organized. The only exceptions are a few highly skilled trades where organization may not be necessary to secure a monopoly of labor.

Those who call themselves advocates of non-union labor should remember that the union secures the hours of labor and the standard of wages by which the non-union man is benefitted equally with the union man. I know no means by which reasonable hours and a fair rate of wages can be secured and maintained in a trade except by organization, and I regard the realization of the value of organization in any trade as a fair test of the intelligence of the men engaged in it. If unions are sometimes narrow or arbitrary the remedy is not the abolishment of the union, any more than anarchy is the remedy for bad government. The remedy for bad government is good government, and the remedy for bad unions is good unions. In any case organization is the road to progress and improvement for the wage-earner.

Further material benefits from trade unions are found in the efforts of unions to secure the safety of their members in the use of dangerous machinery, in the maintenance of good sanitary conditions under which the work shall be performed, in the granting of out-of-work, sickness, and death benefits.

A labor union is also an employment bureau, and its officers spend no little part of their time in securing work for members out of work.

The second benefit of a trade-union to its members is that the union seeks to maintain permanent employment. A well-organized union is always opposed to strikes except as a last resort. The strength of a union can be judged by the frequency of strikes in the trade. Labor leaders, as a class, are opposed to strikes and prevent many labor difficulties of which employers are not aware and for which the leaders receive no credit. This statement may be a surprise to some and may be denied by the enemies of trade-unions, but it is never-the-less true. As union officers are not connected with the shop in which difficulties arise, they are usually free from its prejudices and its irritations. There have been many instances where they have kept men at work, where "hot-heads" would have caused a strike and would have involved their members in loss. Employers who indignantly resent what they call the intrusion of outsiders in the management of their own affairs would do well to consider this statement. This service of labor leaders is neither known nor appreciated as it deserves to be. The unreasonable demands and overbearing manners of a few are taken as characteristic of the class.

The third benefit of a trade-union to its members is the moral benefit. Unions in the technical trades demand tests of efficiency from their members. Some also demand the maintenance of a certain standard of technical efficiency, and many scrutinize moral character. The officers of a union who find a member repeatedly out of work and constantly coming to them for another job are sure to advise him to do better work and warn him against the results of dissipation. Hence, unionism, though not encouraging competition between members, does encourage good character and good work.

Benefits to employers.—The benefits of a trade-union to employers have been recognized by a few, grudgingly admitted by some, and doubted by many. But I am convinced that it is as certainly to the advantage of an employer to deal with a union, rather than with unorganized bodies of

working men, as it is to the advantage of the men to belong to union. The first benefit to the employer who wishes to learn the real cause of his difficulties with his men is that he can deal through the union with their own chosen representatives, who, as a rule, are best qualified to speak in their behalf. Not being dependent upon the employer the leaders are able to speak frankly and freely, and the root of the difficulty can be reached more quickly through them than through the workers who constantly fear that their complaints may cause the loss of their jobs. Second, employers often indignantly declare that they are willing to meet their own men, but do not admit the right of outsiders to "interfere" in their business. Without discussing the economic questions involved in that proposition, but considering the case merely from the employer's point of view, I believe the prejudice is short sighted. The employer needs to learn the real cause of the difficulty in his shop from those best able to express it and who will be free from personal prejudice and local bias. The labor leader knows how to handle his own men, is not deceived by their attempt to give an incorrect statement of the case, quickly sifts the evidence, and, because of his experience, is an expert representative of the laborer's point of view. If the employer is willing to meet his men fairly, he cannot find anyone so well qualified to help him settle the difficulty justly to both sides as the accredited leader of an organization. Third, the employer is immensely benefitted by the conservatism of the experienced labor leader. Unorganized bodies of men are much more likely to strike hastily than if directed by experienced leaders. Of course there are leaders who involve their unions in unnecessary strikes, make negotiation with employers difficult, exercise a bad influence over the men, and are generally unworthy of respect or confidence. But the true character of such men is sure in time to be discovered. A union will not keep a leader who does not "hit it off" with the employers. My opinion is that while some unworthy and dishonest leaders are unwisely trusted by their organizations, in the majority of cases it would be better for the men if they more thoroughly trusted their own chosen leaders. Distrust of their leaders is the greatest weakness of labor un-

ions. While a few socalled "walking delegates" may be untrustworthy the majority of them are reliable and hardworking, having less leisure than the men whom they represent. The labor leader who works sixteen hours a day to secure an eight-hour day for his men is not consistent with his principles but he is entitled to the respect of his organization.

Annals of the American Academy. 27: 521-30. May, 1906.

The Services of Labor Unions in the Settlement of Industrial Disputes. William B. Prescott.

While not shirking any responsibility for their mistakes, trade unionists deny that their system is especially provocative of industrial strife. That is due to the inherent desire in man to insist upon his rights and to improve his social condition. The union arose when production passed into the factory stage and the employer knew not his employees except as he heard of them through his heads of departments bent on "making good." To the employer they were an impersonal mob who collectively got results. The foreman or superintendent who did know those under him regretted that in fact, for his chief business was to get the greatest result for the least money, and in doing so it became his duty to squeeze his friends. In this way injustices became rife that would not be thought of under the "small shop" system with its village-like environment. If men protested to the superintendent they were told the management was responsible, and the management in turn said it couldn't interfere with the superintendent. But both told the workers if they didn't like it they could go—the world was wide. But apart from juggling evasiveness of this character, if an employer were ever so willing to do the square thing, it would be impossible for him to meet the wishes of individual employees. The first step to remedy wrongs would be for the workers to counsel together and formulate their demands or desires. Here we find that a sort of organization is necessary if men are not to submit to industrial despotism, and in the workaday world there are no benevolent despotisms. If an industry be in the competitive stage, the race for business prevents that to any great extent; and if competi-

tion be held in check the necessity for providing dividends on inflated stock is a barrier. The great central figure in a workingman's life is the wages he is to receive. That is not only vital with him, but vital with those dependent on him. If wages are low it means not only a lessening of creature comforts for himself, but a narrower, poorer outlook for his children.

The cardinal tenet of unionism is that the worker shall have an effective voice in determining the conditions under which the worker shall sell his labor. This right has been and is usually resisted by employers. They see in it an attack upon their profits, and they know that, once they admit the principle involved, what had been the line of least resistance when they desired to economize assumes something like the proportions of a stone wall. So there were and are strikes and lockouts to enforce or resist this so-called principle. At that point of development in any trade we find unions adopting scales after sunset and enforcing them the following morning. Employers may succumb to such tactics, but when opportunity offers the inevitable reprisal occurs. This sort of guerrilla warfare goes on until the union is destroyed or the employers awake to the fact that whether they recognize the organization or not, it determines the wages paid. These wasteful strikes or lockouts are usually followed by a conference of some sort, many of which have seen the acceptance of the proposition which put an end to the wars. Having obtained recognition of this principle by force of hard knocks, taken and given, the union purpose and method begin to unfold. Confident of their ability to compel the respect of employers, the unionists promulgate a scale of wages, of which they notify the employers interested and invite them to confer on any disputed points. Oftentimes the unions have found their employers slow to act and are compelled to call meetings of the latter in order that negotiations may be conducted in a business-like manner.

The representatives of both factions are thus brought face to face, and there is a free and frank discussion of views, it is no uncommon thing to see employers voting with employees and vice versa. Convinced of the sincerity of the conferees, there is a disposition on the part of all to consider questions on their merit, rather than from the viewpoint of

the special interests represented by each. By this means common sense and reason supplant misunderstanding and its consequent rancor and bitterness. If such a conference eventuates in an amicable settlement of differences, it is a short and easy step to establish a board of say, two from each element, to which must be referred all disputes as to the interpretation of the agreement, with power to appoint an arbitrator in case the conferees are unable to agree.

From this naturally follows a conference committee with similar powers as to appointing an umpire to decide upon new scales. When this stage is reached and the representatives are honest in their professed desire to preserve the peace there is little danger of wasteful war. With a conference committee established there is an agency existing whose duty it is to minimize the differences between the contending factions. Without it, on the eve of any change the influence of each organization seems to be devoted to the senseless, almost criminal, work of widening the breach. This is done for the purpose of instilling confidence and backbone into their respective memberships. This of itself is wasted energy, for no one ever met an employee who was in favor of long hours and low wages or an employer who wasn't looking for the easiest way to affluence or a competency, whichever his goal might happen to be.

Wherever tried this system has been beneficent to all. It gives stability to employment on the one hand and steadiness to the labor market on the other. To the public it is also a guarantee against unsettled conditions. Economically speaking, what more can be asked? It is urged against it by some that such agreements usually provide for the surrender of individuality by reference of disputed points to an arbitrator. This is far-fetched, whether it emanates from a worker or an employer. The former renounces some of his personal rights when he joins a union, and the latter does also when he joins any of the numerous companies open to him, or promises to pay what his competitors concede. In certain circumstances the law compels us all to submit to an arbitrator when a neighbor transfers a dispute into a civil court where a judge is the umpire. This cry of individual liberty is car-

ried to absurd lengths, for in our complex state of society we are all dependent.

I recall that when typesetting machines were in their infantile days it became necessary for the board to render a decision. Owing largely to the fact that none knew much about the character and productivity of Mr. Mergenthaler's revolutionary innovation there was no agreement. An arbitrator was unanimously chosen, who rendered a decision. Its character and effect are no importance now and here. As time rolled round and more light was obtained on the matter and the making of a machine scale became a necessity, the board decided the subject too important to be determined by an outsider, and forthwith drafted a scale that in its essential features has held since that time.

The decision of an arbitrator often leaves bitterness in its train, but not so the result of the deliberations of a joint board. And the reason is not far to seek. The document is the joint product of the two parties in interest—it is the conclusion of the minds presumably best fitted to determine such problems. If either party has made a mistake in the selection of representatives it will regard it philosophically—it at least has no "kick coming," to drop into the vernacular. But those acquainted with the system know that the element of justice underlying it is what commends it to the workers. The right of the seller to have an effective voice in establishing the price of his product is recognized, as is not possible under any other known system. And behind the labor movement in all its manifestations is the all-consuming desire for justice—rather than for power. This element also commends the system to fair-minded employers.

From the standpoint of the public, the trade agreement is a happy solution of the strike and lockout difficulty. And if the great industries are not conducted along such lines, I venture that the State will find some substitute. Great strikes in Australasia begot the compulsory arbitration laws of that progressive corner of the world. And here and there in this country State boards of mediation and arbitration are carrying on flirtations with the same remedy.

This public desires justice, too, and it doesn't want its comfort disturbed. If a strike or lockout causes a dearth of

coal at a reasonable price or common carriers do not properly perform their functions, the public will find a way to terminate strikes. And this public, with its good heart and strong sense of justice, will not order a wholesale massacre of strikers or their incarceration. It will empower some authority to hear the evidence and determine the rights in the controversy so that justice may prevail and the public wants be supplied. These law-made arbitrators—new kinds of courts to settle new-born controversies—may even be elected for short terms by the people. Legal objections to such a tribunal may be piled up mountain high, be very logical and very forbidding, but my limited reading of the history of this country has taught me that whatever the people really desired they secured—even to the establishment of a prohibitive tariff under the guise of raising revenue from imports, or the abolition of chattel slavery. And the new order has always made good.

But I hear our friends say that may be all very well and permissible in the case of necessitous industries like coal mining or railroading, but no such regulation would be made to apply to smaller and less important lines of activity. If such a remedy were found to work well and serve the ends of justice in the major industries, it would inevitably be applied to the minor ones. In fact in the whirligig of legal warfare over the innovation it might be deemed necessary to make the law all-inclusive in order to avoid some such pitfall of class legislation. So far as known, State interference has never proven as satisfactory as the trade agreement method of settling disputes, but those who oppose it on the ground that it is a surrender of personal liberty—"veiled Socialism" is the incongruous name given by some—are hastening the day when what they profess to dread the most will be ushered in. And, indeed, that would not be a new thing. Often has it occurred that the reactionaries who opposed any recognition of new conditions have been the most valuable aid to radical thought and methods.

If powerful unions are the parents of the trade agreement system, it is none the less true that the prime requisite for its maintenance is strong, dominating organizations on both sides of the house. With the employers it must be of suf-

ficient force to compel honest adherence to the scale in its field of operations. The uinons must be in such a position that when they speak it is the last word on their side of the subject. They must also be able to discipline employees who would violate the terms of the agreement. If they are unable to do this employers will soon complain, and with justice, for an agreement with an organization unable to control the workers at the trade would be worse than farcical. Suppose during the past few fat years the Typographical Union had been a weak institution, unable to control its members, we would have seen the spectacle of men making demands on publishers at times when they would have to concede or suffer much loss. Methods for preserving discipline differ in the various unions. Some rely on beneficial systems; others partly on the closed shop. But whatever the means, they must not be impaired, for with the advent of new responsibilities there is need for more, not less, power in the organization.

The main objection to collective bargaining is that it has in some instances led to conspiracies having for their object the fleecing of the people. The cases cited have been exceptional and the evil was short-lived. But this is not an intended or usual outcome of the trade agreements. In truth, the public are mulcted most in industries in which the trade agreement does not obtain. This species of robbery may be an accompaniment of collective bargaining here and there, but it is not of it, and its root is to be found elsewhere. If we want to give battle to that kind of wrong we are better equipped to do so as citizens than as industrialists. If there were not a trade union in this broad land the consumer would be the victim of such get-rich-anyway conspiracies.

To sum up, collective bargaining (1) recognizes the right of the wage-earner to a real and substantial voice in determining the price of his labor; (2) reduces industrial strife and the wastage from strikes and lockouts to a minimum; (3) provides the most satisfactory method of settling disputed questions, as the arbiters are experts selected by each side, and (4) it is the best safeguard against government interference in its least beneficent and most obnoxious form —compulsory arbitration or its approximate.

Those who oppose collective bargaining either openly or by indirection through miserable subterfuges are in duty bound to show us a way out which will furnish the workers equal justice, conserve the energies of the people, secure as equitable results and ward off the ogre of government control of wage scales. They will have much difficulty in doing this, but until they can fill the bill they should step aside. To be a mere negationist on this question is to be reactionary and a discourager of progress—a bourbon unaffected by the growth of intelligence or the change of conditions.

Independent. 52: 1055-8. May 3, 1900.

Ethical Side of Trade Unionism. Edward W. Bemis.

The trade union has been compared to the modern trust. It is strikingly like the latter in some respects, and different from it in others. Like the typical trust, many trade unions seek to obtain a monopoly and secure monopoly prices. Sidney Webb designates the principle as that of a "compulsory maintenance of the standard of life." It might be called both the compulsory maintenance and the elevation of this standard, so far as that is dependent on wages, hours of labor and other industrial conditions.

Under the present economic organization of society the vast mass of workmen who have no special individual reputation, as has the lawyer, the physician, the teacher, the artist, and the writer, are in fierce competition for employment. Those who will work the cheapest are likely to be hired. Assuming that the many claimants for employment have all a passable knowledge of their trade, those that will work the cheapest are likely to be hired. Under these circumstances a species of cutthroat competition arises, and workmen, weak individually, without much financial resource or knowledge of trade conditions, are under the temptation to work for less than it is to the advantage of society that they should receive. Business prosperity is advanced by a high purchasing power among the masses. To develop this power is vastly more important and permanent in its effects upon industrial prosperity than the crowding upon foreign markets

of the so-called "surplus products" of our factories. Under any rational distribution of income our industries would never have much unsalable surplus product, even if there were no foreign trade whatever.

It has been likewise conceded by most investigators that a high purchasing power among the many increases home decencies and comforts, morals and education. Sometimes the saloon is chiefly benefited by high wages and short hours, but usually the reverse is true. In the light of the experience of England and America, few are so bold as to deny that the trade union movement has to some extent improved the industrial condition of labor. As a result have come the social and ethical advantages just mentioned. Just as the trust, however, often refuses to deal with any who will not confine their trade to the trust, so the union often refuses to work with non-union men. It is a policy of force, not very pleasant to contemplate, and yet I believe entirely defensible, and even necessary, in the present social conditions, so far, at least, as the union is concerned. If it is a good thing to raise wages, and if refusal to work with a non-union man increases the power of the union in this direction, and if such refusal is not inherently sinful, it may be defended as an interference with one's freedom of action in order to secure greater freedom from poverty for all, since any general rise in the wages of a trade secured by a combination of workmen is likely to raise wages even in establishments where only non-union labor is employed.

While the union resembles the trust in many of its aims and methods, it differs from it in the following essential points: The labor organization benefits millions instead of thousands; it aids the poor who need improved social conditions rather than the rich who do not; it is far more democratic in its organization, for the labor union usually admits to its membership at any time all good workmen of the trade who wish to join, and on terms of perfect equality, with equal chance with the old members to secure the official positions of control and emolument. We are all familiar with how, when the financially weak are taken into the trust, they are usually given only subordinate position, and if allowed to become minority stockholders are still at the

mercy of the few who control the majority of the stock. It is probable that the labor union does not stimulate its members to the keenest exertions as much as does the trust but this is only part of the general weakness of the wage system, which does not find any way of giving the workman as much interest in the business as have the owners. On the other hand the union has not such a bad influence upon political conditions as has the giant corporation, which is constantly seeking favors and discriminations from taxing and franchise-giving bodies and from the railroads. The extent to which legislation in the interest of our great corporations, especially our monopolies and trusts, is a pure matter of bargain and sale in nearly all of our legislative and council chambers would horrify the country if really understood in all its enormity. The direct ethical aspect of trade unionism is seen in its relief of those in distress, whether from lack of work, old age, sickness, or death of the breadwinner.

The one hundred principal trade unions of Great Britain, with a membership in 1898 of 1,043,476, or about 60 per cent. of the total membership of all the unions, spent during the seven years, 1892-1898, inclusive, for friendly and benevolent purposes, 59 per cent. of their total expenses, while another 18 per cent. was devoted to working expenses of various kinds, and only 23 per cent. to dispute benefits. American trade unions are much younger, and these admirable benefit features come with age. Less than one-sixth of our trade unions were in existence in 1880, and they then embraced less than one-tenth of the existing membership, of perhaps one million, of all American unions, while one-third of the present British unions were in existence twenty years ago, and in those unions to-day are over 60 per cent. of all the British trade unionists. In 1880 only 5,590 members of American national trade unions were in receipt of other than strike benefits from their national organizations, yet in New York State alone, in 1894, when there were 155,843 members of labor organizations in the State, 541 of these organizations, representing 121,957 members, or possibly one-fifth of all those organized at that time in the United States had expenditures for the year of $511,817.59, of which $260,447.59, or

51 per cent., was spent for benefits other than trade disputes, and it is probable that the same was true of a part of another 30 per cent. reported as spent for "benefits not classified." The membership of the New York unions had grown to 209,120 on September 30th, 1899, and there is every reason to believe that the amount spent in insurance and aid to members has continued to grow more than proportionately to the increase of numbers. In fact, without such a carefully guarded national system of labor insurance as prevails in Germany or such safeguards as can be adopted in enormous railroad systems like the Pennsylvania and the Baltimore & Ohio, it is almost impossible to insure workingmen against sickness and disability unless through their own organizations. The latter can quickly detect shamming, for every member is personally interested as a contributor in preventing imposition by fellow members. When we consider that during the severe winter of 1893-4, when so many were out of work, not a single application for relief came to the charities organizations of Chicago from any trade union members, and when we realize the self-respect that self insurance of this kind gives, we can understand an important ethical aspect of the trade union movement which is not sufficiently recognized.

Against this some would place the supposed restriction on the number of apprentices by the unions. It is said that there is a conspiracy against the American boy and against trade instruction. An investigation of this matter for an article which I contributed to the Annals of the American Academy of Political and Social Science, for September, 1894, showed that many trade unions, such as those upon the railroads, have no such restrictions, and that in most other cases the number of apprentices, as, for example, among the printing establishments of Chicago or New York, is less than the trade union rules allow. This means that the greatest obstacle in the way of apprenticeship lies not in the unions, but in the American boy, who does not want to undergo an apprentice's training, and the employer, who does not care to bother with him. The solution of trade instruction will lie with manual training and technical schools, supported by public and private efforts, as in Germany and England, and,

as we are beginning to see, in our State agricultural colleges, and in some of our city schools.

The attitude of our unions on the temperance question has been a matter of special investigation on my part within a few months. About a dozen organizations, with about 180,000 members, report a very marked antagonism to the saloon. For example, Mr. Robert B. Kerr, Secretary-Treasurer of the International Brotherhood of Blacksmiths, with 3,000 members, writes:

"Both President Slocum and myself, as well as the other members of the Executive Board of this order, have done everything possible to oppose the saloon and its influences among our members. I wish to go on record as saying that I consider the saloon to be the greatest enemy to organized labor that exists at the present time, as indeed it is to all other progressive movements of whatever kind. To the best of my knowledge none of our locals meet in halls connected with saloons; as a general thing meetings of trade unions are held in halls belonging to the trades and labor councils or to some of the fraternal societies."

The general secretary-treasurer, Mr. Lee M. Hart, of the National Alliance of Theatrical Stage Employees, with a membership of 4,000, writes that they have "very stringent laws compelling temperance on the part of every member."

Mr. E. E. Clark, head of the Railway Conductors, writes:

The good effects of the trades unions upon their members are apparent to the most casual observer. The general character and social standing of the employees in trades which are thoroughly well organized is so radically different from what it was before they had organizations that there is no room for doubt on that score. Intemperance has materially decreased; thrift and industriousness have increased, and the percentage of men who own their own homes is very much larger among members of trade unions than among any equal number of men who do not belong to the unions. The general influence of labor organizations has been to elevate the character of the men, and those influences are still at work."

Mr. J. Ford, Jr., editor of the *Switchman's Union*, writes:

"In our obligation there is a clause which states, 'I will not recommend any one for membership in this organization whom I know to be a common drunkard.' I, myself, am a total abstainer, and likewise, also, is the Grand Master, the Grand Secretary and Treasurer, and the Vice-Grand Master. I visited some of the subordinate lodges this summer and at every place I spoke against the use of liquor. I have also written against it in our official organ."

He says the trade union elevates its members

"morally, socially and intellectually, makes them better husbands, fathers, workmen or citizens. In fact, a laboring man who does not belong to the organization which represents its labor, in my estimation, is not a good citizen. Years ago, before the switchmen were organized, they received $1.50 per day. They

were a roving class. Today, through organization, they are getting 25 cents and 29 cents per hour, and a good many of them have homes and are educating their children to fill any position in life. All this is due to organization."

Mr. J. B. Lennon, secretary of the Journeyman Tailors, writes:

"I can well remember when there could be found in no city from Sunday until Tuesday or Wednesday of the following week any tailors who were sufficiently sober to work at their trade, or if any they were very few indeed. I believe most earnestly that organization has been the cause that has cured and eliminated this evil. You can now go to the same cities where our unions have existed from ten to twenty-five or thirty years, and you will scarcely find a single member of the organization that is a habitual drunkard. The officers of our organization, myself included, are decidedly opposed to the use of intoxicating liquors as a beverage, and I have not failed, whenever the opportunity presented itself, to declare myself upon this question."

The secretaries of other unions, numbering over 100,000 members, report considerable opposition to the saloon, while a third group, of nearly 200,000 members, report that their insurance departments are a great encouragement to temperance, because sickness, accident and disability benefits are forfeited if the misfortune has been caused by drink, while all the unions appear to consider, with truth, that the social atmosphere of the union supplies some of the needs of human nature that usually draw men to the saloon.

Our trade unions have been the most active force in securing compulsory education, factory legislation, employers' liability acts, free public employment bureaus, bureaus of labor statistics, boards of arbitration, sanitary laws for workers, the regulation or prohibition of sweatshops the early closing of stores, and the eight-hour day, while they have co-operated heartily with efforts of other classes in securing the prohibition of most kinds of Sunday labor.

Recognizing, then, that our own rapidly growing labor organizations are not directly seeking to increase the skill or efficiency of their members, but to secure better terms from the employer and better protection from the State, we are bound to admit that in the accomplishment of these ends a better standard of living and higher ethical ideals are gradually developed. By all odds the worst feature of American unions is the readiness of many of their leaders to desert their organizations for political plums, under our spoils system or for other selfish reasons. Fortunately the rank and

file of the unions are beginning to recognize this and to seek more disinterested leadership.

The unions greatly need the friendly counsel and co-operation of those better educated and more fortunately situated, who are enthusiastic to work and suffer if thereby these promising organizations of labor can more nearly approach their ideals. Will not some would-be followers of Jesus realize that the giving of such co-operation to organized labor is a truly Christian duty?

Independent. 66: 182-5. January 28, 1909.

Nemo Me Impune Lacessit. A. J. Portenar.

In order to determine the nature and extent of Mr. Gompers's offense it is pertinent to inquire what effect his announcement in the "We Don't Patronize" list had; upon whom it had such effect, and why it had such effect.

When the list has any influence on the action of one who reads it, it can only have such influence if the reader is in sympathy with the object of the list. If he has that sympathy he will voluntarily discriminate against the products mentioned in that list. Surely it cannot be contended that he has not a right so to discriminate. Upon one who is indifferent or hostile to the trades union movement, the list will either have no effect at all, or else will cause him to act in a manner entirely contrary to the effect sought by Mr. Gompers in making the public announcement. In either case, Mr. Gompers does not control and has not sought to control the actions of those persons who may read this list. If he has made no attempt to coerce any one into following a given line of action, then whatever offense he may be deemed guilty of must consist solely in the fact of the publication itself, regardless of whether anybody was influenced thereby or not.

At the risk of suit for damages in a civil action or prosecution for criminal libel, a newspaper may publish anything. Freely using this privilege, newspapers have published stories to influence stock market prices, without being over scrupulous as to whether the stories were true; they have dis-

seminated serious charges reflecting upon candidates for public office close to elections, so as to give no opportunity for denial or refutation, also without careful scrutiny of their truth, or even with positive knowledge of their falsity; they have spread scandalous tales concerning the private affairs of individuals, for malicious reasons or to make a racy story. All this may be borne with equanimity; but the limit is reached, the line of toleration is overstept, the "absolute" freedom of the press must be curtailed by the order of a court, when the editor of a labor paper informs his readers that a certain manufacturer discriminates against those very readers by employing non-union men. It is not claimed that the information is untrue. It cannot be claimed that union men must not be told this truth because they have no right to bestow their patronage where they please. It will not be claimed that they will please to bestow their patronage upon their avowed enemies.

It is true that the good-will of a business is often bought and sold, and that it may be very valuable. But if a man sells to another the good-will of his business together with the stock and appurtenances thereof, is he assured that he can make delivery of what he has sold? And if, for any reason or out of pure caprice, his former customers refuse their patronage to his successor, can the latter demand delivery of what he bought? Can he sue and recover the purchase price of the good-will in the same manner as he might if the stock was misrepresented as to quality or amount? He cannot; and hence it follows that while good-will might be called property in a certain sense, it is still true that no man can have a property right in the custom of any other man. If he had, the seller could deliver and the purchaser demand the patronage of the persons whose good-will was paid for, and those persons would be bound to spend their money with those who had a vested right to such patronage, and not wherever their inclinations might lead them.

I therefore fail to see what offense was committed by Mr. Gompers, either in the publication *per se,* or in the effect that might be attained upon others by the publication.

Now, a word as to the contempt for which Mr. Gompers was sentenced to imprisonment.

If the Constitution, without qualification, says that I may do a certain thing, and a judge in his wisdom orders me to desist from doing that thing, what should be my attitude? Must I surrender my constitutional rights upon his arbitrary order? True, if it is a judge of an inferior court who makes the order, I may appeal from his decision, but while my appeal drags its slow way thru the courts my rights are destroyed, and even should my appeal eventually be sustained, I have none the less been unjustly withheld from the exercise of my guaranteed privileges, and that without any hope of redress against the judge who so deprived me.

If I disobey, I am in contempt. Now, it is difficult to maintain the position that any man may disobey the order of a court when he feels that he is aggrieved thereby. Nevertheless, it would not be difficult to find instances where men have disobeyed statutes and courts, and have been applauded therefor. That which is legal may still be unjust, and there is no wrong so hard to bear with fortitude as a wrong imposed by the forms of law. Obedience to the law and the courts is necessary as a rule of conduct, but it is conceivable that disobedience may at times be the more righteous attitude.

But let us leave the case of Mr. Gompers and consider the boycott in a general way. In that connection I must refer to certain language used by Mr. Wheeler, from which I infer that he is laboring under a mistaken impression:

"So with a man's labor. It is his property, and a sacred and indispensable property. He is free to sell it or to refuse to sell. But once he contracts to give his labor, the person with whom the contract is made has property in its performance. . . . In the long run, the sacredness of contracts means more to the labor union than to the employer. What the honest workman wants is steady work on terms to which he has freely agreed, and the performance of which he can enforce."

Does Mr. Wheeler believe that the mechanic or laborer has contractual relations with his employer which he can enforce in the courts? Does he not know that the terms upon which he is employed are such as he can obtain in competition with his fellows, terminable at any moment, with or without good cause? Does he not know that the only restraint upon the employer's absolute domination is in the union for mutual protection or advancement of the employees? In theory, of course, the workman freely assents

to the terms of his employment, and may leave it as readily as the employer may discharge him, but is it so in fact? Permit me to quote from an article in THE INDEPENDENT of October 24th, 1907:

"Freedom of contract presupposes the equality of the contracting parties. What sort of equality exists between the owner of land, machinery and capital on the one side, and the owner of nothing but a pair of hands on the other? It has been forcibly said that most workmen have not a month's wages between themselves and the almshouse. Thus the 'freedom' of one of the parties is fatally circumscribed by the imperative character of his necessities. Now, if the position of the workman is still further prejudiced by the fact that three men are seeking one job, will it be contended that any other 'freedom' remains but that of taking what he can get—with the alternative of starving?

"The union confers with the employer as a representative of the individuals who compose it. All the questions surrounding employment in an industry are discussed, with the result that written contracts for a definite period of time are agreed upon, at living wages and for reasonable hours."

Such employers as Mr. Van Cleave, Mr. Post or Mr. Parry refuse to treat with a union as equal parties to a contract. They usually declare that they are going to run their own business without interference. But while they discriminate against union men, they are filled with virtuous indignation when union men retaliate by discriminating against them. It is quite proper for Mr. Van Cleave, as president of the Manufacturers' Association, to advise the collection of a fund of $500,000 for the avowed purpose of fighting organized labor, but it is highly improper for union men to refuse to spend their money on Mr. Van Cleave's stoves, and thus furnish him with the munitions of war to be used against themselves. To summarize, Mr. Van Cleave may exercise his constitutional right to be a non-union employer and to injure the business of union men by an active campaign against them, but union men may on no account injure his business by an active campaign against him. Incidentally, I wonder if Judge Wright would issue an injunction against the Manufacturers' Association restraining them from giving money to the Typothetæ to enable them to make a fight against the eight-hour day asked for by the International Typographical Union. Injunctions have been issued restraining union men from paying assessments for the support of strikers. Can it be that it makes a difference whose ox is gored?

Again I quote Mr. Wheeler:

"It will be asked: 'What would you designate as illegal acts? I answer: Interference with the property rights of others, whether employer or employed. The blacklist ought to be illegal."

Ingenuous Mr. Wheeler! Yes, the blacklist ought to be illegal, but it is not, and the Supreme Court, in the Adair case decided that a statute which forbade the discharge of a man because of his membership in a union was unconstitutional. So my only property—my ability to labor—may be interfered with if I desire to be a member of a union, but I and the other members of the union must respect the "property right" of him who injured us to sell us the goods he will not employ us to make.

Mr. Wheeler takes issue with Mr. Gompers because the latter said the labor union is not a trust:

"There again is the fundamental mistake that a combination is not a trust because it deals only with immaterial things. They are just as much the subject of property as material things."

To Mr. Wheeler's ideas on the labor union as a trust let me oppose the words of the Honorable John Morley, a member of the present British Government, and a man known thruout the civilized world for his humanitarianism:

"There is all the difference in the world between the selfishness of a capitalist and the so-called selfishness of a great trade society. The one means an increase of self-indulgent luxury for one man or a single family; the other means an increase of decency, increase of comfort, increase of self-respect; more ease for the aged, more schooling for the young, not of one family, but of a thousand, or ten thousand families. Others may call that selfishness, if they please; I call it humanity and civilization, and the furtherance of the commonwealth."

Now, look at this "other flaw" that Mr. Wheeler found, and how he meets it:

"One other flaw in Mr. Gomper's argument requires consideration. He maintains that an act lawful in the individual ought not to be unlawful to a combination. Let us see. If one man enters my house and behaves decently he is welcome. But if a thousand men come at once and fill it, they violate my right to use my own house."

It appears to me that there is a flaw in Mr. Wheeler's illustration. One man may be *welcomed* in Mr. Wheeler's house, but he has no *right* there. One man can just as effectually violate his right to use his own home as a thousand, and neither the one nor the thousand may enter without Mr. Wheeler's permission. But one man may refuse to buy Mr. Van Cleave's stoves, and a thousand may do likewise, and each of them and all of them no more lose their individ-

ual rights in such a case because they think alike and act alike than they would if they voted against Mr. Van Cleave for a public office because they think alike and act alike. They may request any man to boycott Mr. Van Cleave at the polls. Why may they not request any man to boycott Mr. Van Cleave in a hardware store?

The boycott has been harshly characterized of late years, as tho it were a new contrivance by the powers of darkness, used only by those sons of Belial, the members of labor unions. As a matter of fact, the boycott is as old as mankind. But is only *anathema* when applied by the aforesaid offspring of Beelzebub. It is even a laudable and patriotic thing at other times. Some years ago the Philadelphia Councils contemplated a particularly outrageous raid on the people's property. Among other methods of convincing the City Fathers that they were about to do an evil thing a proposal was made to boycott the Councilmen and their families. No one was to speak to them, to do business with them, or have any human relation with them. Their children were to be shunned in the schools, and their wives to be ignored in the streets and shops. The plan was carried out and in a few days the obnoxious ordinance was abandoned. One Councilman admitted that the boycott on his family brought him to terms quicker than any other method could have done. Was anything cruel and un-American done there? If there was, neither the newspapers nor Mr. Wheeler said so. The people of Philadelphia were attacked and they defended themselves. But how the lightning flashes and the thunder roars when trades unions show that they will not submit to injury without retaliation!

The boycott when used by labor unions has been uniformly declared illegal by the courts, and continuously assailed with vituperative fury by the editors of newspapers, and by the sort of correspondent who signs himself "Justitia" or "Pro Bono Publico." Why? Because it is effective. And the reason it is effective is because those to whom such an appeal is made are in *natural* sympathy with those who make it. Remember the motto of trades unionism: "The concern of one is the concern of all."

Trades unionism has never been handed anything. It

has been compelled to fight for everything it got. The same violent outcry that is now raised against the boycott when applied by union men, was once directed against the idea of unionism itself. Laws and courts and eminent citizens of former days have been as harrowed in soul and as vociferously indignant in written and spoken language over the thought of any combination among workmen for any purpose as they are today over the boycott. But unionism is militant; mighty changes have been wrought in the past century, and the fighting spirit is in no wise quenched.

Metropolitan Magazine. 31: 346-56. December, 1909.

Programme of the Labor Unions. Frank Julian Warne.

In one of the twenty yellow pine boxes taken by boat from New York City up the East River to Potter's Field near Hell Gate one day recently, was the body of an industrial toiler who in life had been a metal polisher.

It is not generally known that on a cross above the paupers' graves in Potter's Field is the inscription: "He calleth His own by name."

But the coffin of our metal polisher bore only a number, and as a number the body was buried. This industrial toiler, at the age of only forty-two, had arrived at the end of Poverty Road. He left behind in dire want a sick wife and four underfed children, all of whom became public charges.

Charity tabulated the cause of the poverty ensuing to the wife and children "as death of bread-winner." It could have been designated with equal truthfulness as "no male support," or "large family," or "no relations," or "death of husband and father," or possibly "old age," or any one of a score and more classifications or terms familiar to readers of reports of charitable societies.

But the really important fact would not be tabulated: *the man was a victim of his trade. In life our metal polisher had toiled at an occupation in which many of its workers die from pulmonary tuberculosis.*

More than 88 per cent. of the deaths among the members of a local metal polishers' union in New York City are due

to tuberculosis contracted at their trade. There is hardly another occupation more deleterious to the health of the workers, and metal polishers at the age of forty often look like old men. They get their lungs full of the dust of metals, minerals, and cotton fibre. "A buffing wheel making 2,500 revolutions a minute has wrecked many constitutions." The nature of the metal polisher's work is not compatible with longevity and, as at rule, the workmen engaged at it are not long-lived. Our metal polisher who was buried in Potter's Field, unprotected while at work from the injurious effects of his employment, had contracted the disease of his particular occupation.

Metal polishing is only one of a hundred trades inimical to the health of our workers, and our pauper metal polisher was only one of thousands of workmen who each year needlessly pay the death toll of unhealthful occupations.

"Well," you may say, "there must be metal polishers. It is a hazardous trade, but men can be found to work at anything, and I don't see what you are going to do about it."

True, men will work at anything because they *must;* they will endanger their lives because they *must.* We cannot prevent their working and we cannot remove the hazard entirely; *but we can greatly reduce it.* Listen:

Frederick L. Hoffman writing in the *Bulletin* of the Bureau of Labor of the United States Government, says:

> Since it is possible, by intelligent factory inspection and control, and with especial regard to ventilation (that is, the removal of injurious dust particles at the point of their origin) to almost entirely eliminate the conditions injurious to health and life in factories and workshops and industry generally, it is not going too far to advance it as a fundamental principle of sanitary legislation that the *consumption death rate among wage-earners can be reduced* by intelligent methods to a ratio as low as 1.5 per thousand, (almost one-half the present rate) . . . . . . such a reduction would result in an annual saving of approximately 22,238 human lives.

The Trade Union to the Rescue.

That the deaths of workers from unhealthful occupations, with all their accompanying sickness and ensuing poverty, are not greater is due as much to the activities of the labor or trade union as to any other single agency. That the dangers from such employment are constantly being reduced is

also to the credit largely of organized labor. Through these unions the workers are effecting revolutions in factory management and regulation; they are responsible to a great extent for the creation of state departments or bureaus of labor, with their extensive machinery for mine and factory inspection; and also for much of the efficiency with which these departments are conducted. By means of strikes and trade agreements the unions are enforcing upon employers better sanitary conditions in the working places; through protests to boards of health they eradicate many unhygienic evils; and in various other ways the worker through the trade union is bringing about healthier conditions of employment in scores and scores of industries.

The Power of the Label

Probably the most important of the many means employed by the union to this end is the union label. Sixty-four national and international unions, operating in nearly every State and comprising a membership of nearly two million toilers, have each adopted separate symbols which are printed on stickers and pasted (or stamped or sewed) on the article which the members are engaged in producing. This label states that the goods bearing it were made under union conditions; it guarantees to the purchaser that these conditions were healthful and sanitary, and the union members see that they are so. To compel the establishment of such conditions and the use by the employer of the label, the union sometimes employs the boycott and the strike. In 1900 as many as 22,315,000 labels were being used in a single year by the cigar-makers' union alone; the hatters' union issues more than one million a month.

The union label is coming more and more to be an instrument of great economic power in protecting the worker against unhealthful conditions of employment and in reducing the amount of poverty by diminishing the number suffering from trade diseases.

The Real Causes of Poverty

When we said that our metal polisher was a victim of his trade, we touched on the core of the poverty question

as it has always been recognized by the trade union, and as it is now coming to be recognized by society at large.

The primary and dominant causes of poverty are not shiftlessness, laziness, unreliability, theft, gambling, vice, crime, immorality, heredity, early marriage, large family, physical defects, ignorance of English, desertion and non-support, illiteracy, ill health—that whole category of individual or social defects in character which has been designed more or less with the view of holding the individual responsible for poverty.

All these can exist and do exist where there is no poverty.

The primary and dominant causes of poverty, as well as of most of the so-called "causes" mentioned in the preceding paragraph, are unhealthful and dangerous occupations, unemployment, low wages, industrial accidents, trade diseases, unsanitary dwellings and workshops, child labor, immigration, congestion of population, lack of industrial training, long hours of work—all the expressions of fundamental economic forces over which the individual victim usually has no control and for the effects of which he ought not to be held responsible.

Wherever these exist to-day there is poverty.

It is comforting, possibly partly because it enables us to remain in smug contentment with conditions as they are, to be told that the individual is responsible for his condition of poverty; but it is far from being the truth. Society must recognize, as the trade union has already, that industrial and economic conditions, far more than personal characteristics, make poverty, and that to prevent it society must control or remove these fundamental causes.

Instead of dissipating social energy in feeble attempts to cure poverty we should direct our combined strength toward the prevention of poverty, for if poverty is prevented it will not have to be cured. In fact, it is very much to be questioned if poverty is curable. We do know, however, that much if not most of it can be prevented. This has been indicated in our discussion of unhealthful occupations. Let us take one other illustration among the many there are to select from—industrial accidents.

The Perils of the Worker

It is not possible to measure with any degree of accuracy the amount of poverty caused by industrial accidents; we cannot even measure the extent of the accidents. It takes very little imagination and acquaintance with actual conditions, however, for one to see that on our railroads, in our coal mines, in the metal trades, in mechanical industries, in the manufacture of explosives, sulphuric and nitric acids, and in other dangerous industries accidents play a dominant part among the causes of poverty, accompanied as they usually are among workmen by a period of unemployment when wages stop altogether and expenses increase for medicine and burial. In all these and other industries employment is inseparable from the worker being exposed to the possibilities of accidents.

Frederick L. Hoffman, a well-known writer on insurance subjects, estimates that the number of accidents among men employed in manufacturing industries alone for 1906 was 208,300, of which 5,000 were fatal, and the remainder more or less serious. The estimate is, of course, wholly inadequate, as it is not only confined to accidents among men workers but to manufacturing industries; it takes no account of casualties in mines and quarries, transportation by land and sea, and all general employments. Whether the total number of accidents each year in the United States is 208,300 or more than 500,000, the fact remains that in consequence a tremendous amount of poverty comes not only to the injured victims but to their families also. Mr. Hoffman says that fully one-half of the fatal accidents are more or less the immediate result of dangerous industries or trades.

For illustration, in the anthracite mines of Pennsylvania there were 4,833 fatal and 11,084 non-fatal accidents in ten years. In the same period in the bituminous coal mines of that State alone there were 3,522 fatal and 7,671 non-fatal injuries. One single mine explosion in West Virginia last year left 124 widows and 532 orphans in a condition of social dependency.

The Railroads' Toll of Death

In railroading the risk to the health, life and well-being of the worker is one of the most serious met with in industrial pursuits. The most important group of employees is trainmen, the number exceeding 300,000. Among this number there were 2,301 deaths in 1906 from railroad casualties; in addition there were nearly 35,000 injured, or at the rate of nearly 123 for every 1,000 employees. In the ten years to 1906 there were 16,363 fatal and 221,685 non-fatal accidents among railway trainmen alone in the United States. This did not include similar accidents to switch-tenders, crossing tenders and watchmen, railway mail clerks, flagmen, and freight handlers.

The degree of accidental injury is of importance in its relation to poverty. The most extensive investigation is the one made by the New York State Department of Labor covering the five years ending in 1906. Of 39,244 accidents in factories and workshops, 31,722, or 80.8 per cent. caused temporary disablement to the worker, and 6,580, or 16.8 per cent. permanent disablement. The fatal accidents for the same period amounted to 864.

How some accidents happen is indicated in the report of the Factory Inspector of Pennsylvania. Referring to the iron and steel works, he says:

> The reckless manipulation of cranes and hoists; the hasty and faulty hooking up of heavy weights; the slipping of furnaces; the overturning of ladles filled with molten metal; the speeding of engines and cars without light, bell or flagman through the yards of large establishments thronged with busy workers; the ordering of employees to work upon rotten scaffoldings; the employment of foreigners ignorant of our language and habits in dangerous occupations without words of caution and without proper oversight, are crimes against humanity that call for drastic legislation.

An analysis of accidents in New York State covering the years 1901-1906, shows more than 50 per cent. are the immediate result of machinery in motion. Some of the causes are gearing, belts shifting, pulleys, elevators, hoists, cranes, hot liquids, acids, steam, explosives, collapse of buildings, falling objects, fall of persons, vehicles and animals.

We do not need to point out that industrial accidents usually mean to the injured worker unemployment, in-

creased expenses along with decreased earnings, the exhaustion of savings—altogether a sharp push toward if not over the poverty line.

That many of these accidents could be prevented is not mere theory. It has been demonstrated by the experience of European countries. Mr. Hoffman says that if the rate of casualties of railway employees in this country were reduced from 2.50 per thousand, the annual average rate for 1897-1906, to 0.98 per thousand, the average for the German Empire for the same period, the saving each year would be 1,735 valuable human lives.

If the accident liability of employees in coal mines in the United States were reduced from 3.10 per thousand, the annual average rate for the period 1897-1906, to 1.29 per thousand, the average rate in the United Kingdom for the same years, the saving in human life in our coal mines each year would be 915.

Furthermore, it should not be impossible, says Mr. Hoffman, to save at least one-third and perhaps one-half of the 35,000 male wage-earners killed annually in American industries, and this could be done merely by the exercise of intelligent and rational methods of factory inspection, legislation and control. By the same means how great a proportion of the vast number of non-fatal accidents could be prevented?—accidents that not only involve an inestimable amount of human suffering and sorrow and poverty but materially curtail the normal longevity and the efficiency of those exposed to the often needless risk of industry.

One reason why industrial accidents now result in a large amount of poverty is because almost the entire burden of their cost at present falls on the injured worker—the one least able to bear it—and is sooner or later transferred by him in his helplessness to charitable and philanthropic institutions. Here are some typical illustrations of where the burden falls:

A man, assisting other workmen in the construction of a house, while wheeling a wheel-barrow stepped aside to let a fellow-workman pass. He was jostled, which caused him to lose his balance. He fell and was made a permanent cripple. He received no compensation from anyone.

A workman on a city sewer was injured by an explosion. While in this case a small indemnity was allowed, at the same time the authorities explicitly stated that the city was under no obligations to pay anything, although the disability caused by the accident was permanent.

While performing his labors at a freight depot, a workman met with an accident which cut off his earnings for several weeks, he becoming a dependent on charity. He received no compensation.

In another case a workman was caught in a rope and crushed before the machinery could be stopped. This accident, for which no compensation was made to the worker, was due to the absence of proper safeguards to the machine.

At present, when an industrial accident is due to even the momentary negligence of the victim or a fellow employee, the injured worker is held responsible; and even in the cases where he is not, he or his family can recover damages only by instituting legal proceedings, the expense of which is usually beyond his means. As President Roosevelt said in his Message to Congress in December, 1907: "It works grim hardship to the ordinary wage-worker and his family to have the effect of such an accident fall solely upon him." Mr. Roosevelt further said: "The law should be made such that the payment for accidents by the employer would be automatic instead of being a matter for lawsuits. Workmen should receive certain and definite compensation for all accidents in industry, irrespective of negligence."

The New Principle of Justice

Around the fellow-servant doctrine of the law of negligence centers to-day the problem of industrial accidents, and it is not likely that any progress can be made toward improving conditions *until we have abandoned our place as the most backward nation in our failure to protect the injured industrial toiler* and recognize the new principle of justice which Continental countries, even Russia, have adopted, some of them more than thirty years ago.

This advanced position which the modern conception of justice decrees, shifts the burden of proof from the shoulders

of the injured employee to those of the employer or corporation—it distinctly directs that the employer, and not the employee, shall assume the ordinary risks of the industry. This is what Germany, for instance, has done—it has made employers responsible for all accidents to employees in the course of their occupation except such as are occasioned by the willful misconduct of the victims themselves. This is an extreme departure from the old law of negligence. In addition, German legislation has established in all industries accident funds for employees. The law requires every employer to join a mutual insurance company. This company indemnifies employees for all personal injuries sustained in the course of their employment, the question of negligence on one side or the other having nothing to do with the amount of indemnification. This is fixed by the amount of the employee's wages and, in case of his death, by the number of surviving dependents. For nearly a quarter of a century now this compulsory accident insurance system has been on trial in Germany, and its success is not seriously disputed.

In consequence, about 20,000,000 persons engaged in industrial pursuits in Germany are protected by the insurance system, and any one of these, in case of a disabling accident, *may claim a living allowance as a right and not as a charity.* Thus they are not compelled to sink into poverty and pauperism, as is largely the case in this country. About $20,000,000 are annually expended through this system, indemnifying each year about 100,000 accidental injuries. Permanently injured employees are pensioned. Not the least important of the ensuing benefits, from the point of view of preventing poverty, is that from 80 to 85 per cent. is actually paid to the sufferers. It has been estimated that in New York about 60 per cent. of the damages secured by injured employees goes to lawyers. Another and great advantage of the German system is that the employers spend a larger amount in preventing accidents.

The Unions Bear the Brunt

In the United States the brunt of the struggle for the prevention of industrial accidents has been and is being

borne by the labor union. What it has accomplished in this direction cannot be measured in figures even if statistics were obtainable. It has done this in ways similar to those adopted for the prevention of unhealthful conditions in the working places of its members, and there is not a labor union of importance whose members are engaged in a dangerous occupation that does not have among its principal objects the prevention of accidents by demanding and compelling the use or installation of proper safeguards. Three of the eleven "objects" of the United Mine Workers of America, for instance, are directed to this end.

Third.—To secure the introduction of any and all well-defined and established appliances for the preservation of life, health, and limbs of all mine employees.

Fourth.—To reduce to the lowest possible minimum the awful catastrophes which have been sweeping our fellow-craftsmen to untimely graves by the thousands; by securing legislation looking to the most perfect system of ventilation, drainage, etc.

Fifth.—To enforce existing laws; and where none exist, enact and enforce them; calling for a plentiful supply of suitable timber for supporting the roof, pillars, etc., and to have all working places rendered as free from water and impure air and poisonous gases as possible.

The Army of the Unemployed

Not only are industrial accidents and trade diseases in themselves causes of poverty; they are also among the causes contributing to swell the "Army of the Unemployed." Unemployment itself is a dominant factor among the causes of poverty.

At a meeting of Congregational ministers in New York City last winter to discuss unemployment, one of them stated that it was his belief that 98 per cent. of the 200,000 and more workers then out of employment in New York City alone because of the industrial depression were undeserving and would not work if the opportunity were offered. This was his opinion, and it is the belief of many others, but it is an opinion not based upon a knowledge of the facts.

The Bitter Fruits of Idleness

At that time honest, capable, home-loving, temperate men were tramping the streets of the city day and night looking and praying for work, and because they could not

get it were committing suicide, becoming charity dependents, being sentenced to idleness in the workhouse, were deserting wives and children, and were being forced into the commission of crime. To them no work meant no pay, and no pay meant no food, no clothing, no shelter. No work meant idleness, the cutting off of wages, the exhaustion of savings and credit, the abandoning of aged parents and the breaking up of homes, the physical and moral deterioration of the workers, a decrease not only in labor efficiency but in the labor supply also, an increase of distress, of prostitution, vagrancy, pauperism, poverty, and of dependency in various other forms. In brief, *idleness when long continued among a laboring population, means insane asylums, hospitals, workhouses, jails, penitentiaries, and like institutions.*

Society not only lost the temporary value of the labor of the hundreds of thousands of unemployed during the recent industrial depression, but it will now also have to support in almshouses and like institutions for the remainder of their lives many thousand formerly efficient workers.

The 1908 reports of all charitable institutions, both public and private in New York State, show a startling increase in the number of inmates and in the cost of operation. The increase in the State's expenditures alone for charity for that one year exceeded $2,500,000.

In Prison for Being Poor

The number of admissions to the prisons of New York State in 1908 was 118,647, an increase of 21,000 in one year—an almost unprecedented record. The report of the State Prison Commission states that the present method of sending unemployed men and women to jail in many cases amounts to imprisoning them for being poor:

> Many of the men so committed were simply out of work and out of money; they were not criminals, and needed pity and relief and not punishment. No public policy requires that such men be sent to prison. The distinction between misfortune, or even improvidence, and crime should be carefully observed. The enforcement of the present law often results in oppression to poor people, many of whom are ignorant of their rights and all of them too poor to defend themselves.

Figures in the report of the New York State Charities

Aid Association for the past year show that the largest annual increase of the insane in the State's history occurred during the year of widespread unemployment following the industrial depression in 1907. This increase was 1,414, compared with 741 the previous year, the total number of cases in public and private institutions being 30,507.

"Down and Out" for Good

This downward tendency toward poverty and pauperism of the unemployed has been observed by every student of the problem, and it has come to be an accepted truism that "*the curve of pauperism (showing its increase) follows almost exactly at an interval of one year the curve of unemployment.*" And from this state, unfortunately for society, very few, if any of them, ever emerge again into the ranks of regularly employed, independent labor.

In protecting society from the full consequences of unemployment as well as in reducing its extent, we again find the trade union performing a most valuable social service. In spite of the fact that one out of every three members of labor unions was out of work for months following the financial panic in October, 1907, very few, if any, trade unionists resorted to charity for assistance. Organized labor took care of its own unemployed, spending hundreds of thousands of dollars for this purpoe. This ability of the organized American workingman to stand on his own feet for so long a period of idleness is a most remarkable illustration of the resources and reserve powers his trade union has surrounded him with for just such sudden emergencies.

The Unions' Helping Hands

In the article on "The Conquest of Poverty" in the October *Metropolitan Magazine*, in an enumeration of the institutions and individuals who relieve distress, there was no mention of the large budgets expended each year for this purpose by trade unions. Many of the unions have unemployed, insurance, old age, death, sick and traveling benefits. In addition, trade unionists not infrequently tide over fellow members by advances or loans when they meet with

misfortune. It is also not unusual to find in the reports of treasurers of the unions such an item as "Donation to other unions." But in considering this relief aspect it should not be forgotten that this feature, important as it is, is only a minor or incidental phase of the work of the trade union.

During 1908, sixty-four labor organizations, affiliated with the American Federation of Labor paid out in benefits to members nearly $2,145,000. This does not take into account the sum of nearly $2,550,000 expended by Federation unions the same year to sustain members on strike. In addition, the five brotherhoods of steam railroad employees not affiliated with the American Federation of Labor—conductors, engineers, firemen, switchmen, and trainmen—pay out each year in benefits a sum exceeding $5,000,000.

The accompanying table is merely suggestive, and is not intended as a complete record of the relief work of labor organizations:

FEDERATION UNIONS

Death benefits	$1,257,244.29
Sick benefits	593,541.34
Unemployed benefits	205,254.31
Traveling benefits'	51,093.86
Death benefits (members' wives)	31,390.00
Tool insurance	5,871.63
	$2,144,395.43
Strike benefits	2,550,000.00
Total	$4,694,395.43
Railway Brotherhoods	$5,000,000.00
Grand total	$9,694,395.43

The Union As a Labor Exchange

In reducing the extent of unemployment the trade union at all times, day in and day out, is performing the work of what is practically a national labor exchange. Its members scattered as they are everywhere throughout mines and mills and factories in all parts of the country, are naturally the first to learn of the need for more men, and through their local and State and national organizations reaching into every industrial center, are able to communicate this demand to fellow members temporarily out of employment. They are also able to make known through their trade union

newspapers where there is already an over supply of labor, thus preventing other workmen from going to that particular industry or section. Some unions advance traveling expenses to members, thus making labor more mobile and preventing congestion at certain points, while there may be a dearth of that very same kind of labor elsewhere.

The principal policy of the trade union toward unemployment, however, is that implied in the demand for an eight-hour work day—a demand that has already been secured by many labor unions for their members. The American Federation of Labor believes that:

> To-day, in the midst of an appalling amount of enforced idleness and misery among the organized forces of labor in the industrial centers of the world, the first rumblings can be heard of the cry "eight hours for work; eight hours for rest; eight hours for what we will." To-day we repeat what we have claimed for good and bad times, that the simplest condition by which the social order can be maintained is a systematic regulation of the work day to insure to each and all an opportunity to labor.

In addition to an eight-hour work day, among the principal objects of all labor unions is opposition to low wages, one of the causes, if not the leading cause, of poverty. *Against low wages every single trade union in the country is fighting*, has been fighting ever since their organization—in fact, low wages was the fundamental operating cause which has given to us the labor union. It came into existence primarily to render employment and the means of subsistence less precarious, and to do this it strives to secure to the worker a more and more equitable share of the fruits of his toil. Wages are present in one form or another in every strike, in every controversy over the trade agreement. The trade union is the one potent force that has brought to the American workingman relatively higher wages than those of workingmen in any other country. The miners' union, by directing the entire strength of its membership in demands for higher wages, has secured in seven years increases in wages ranging from 10 to as high as 66 2-3 per cent. for some 300,000 mine employees in a majority of the twenty-eight coal-producing States.

Labor's First Principle: A Living Wage

One of the policies of the American Federation of Labor, which represents nearly 2,000,000 trade-unionists, is that:

"A principle in the economy of our lives must be established and that is a living wage, below which the wage-workers should not permit themselves to be driven. The living wage must be the first consideration, either in the cost or sale of an article, the product of labor." And on this principle the trade union struggles ever to establish in every industry a minimum wage. In England this has led to a discussion by the Government of creating by law Minimum Wage Boards.

Enough has been said to indicate the important position the labor union occupies among the social forces at work to prevent poverty; to show all that the trade union does in this respect would be to write a voluminous history of the labor movement. All that we can do here is merely to indicate and suggest.

In the midst of our economic chaos the trade union today stands as a mighty bulwark of strength, battling against all those economic forces which, it unopposed, would soon sink the worker into a condition of industrial servitude bordering on poverty—a condition as injurious to society as to the toiler himself. It has done, is doing, and will continue to do more toward the prevention of poverty than all the charitable and philanthropic organizations in Christendom. *It has done this because it attacks not the individual or social effects but the economic causes of poverty*—it aims to prevent the effects by controlling these causes.

The trade union seeks to secure for the working classes higher money wages; greater safeguards against sickness, injury and death in unhealthful and hazardous employments; insurance and relief benefits; less hours of work; better homes (not merely better houses); lower prices for the necessaries of life (as through co-operative establishments and by opposition to "company" stores); more opportunities for their children in the school-house; better clothes and food for their wives and little ones, and innumerable other "rights" which our industrial toilers do not now enjoy and which will ever be denied them if they themselves do not control, through their trade union, the forces which are always at work to bring about low wages and adverse conditions of employment. All these and other objects of the

trade union have to do with the workingman more as a man, as a father and husband, and as a citizen than as a mere producer of labor—have to do with him as a social animal rather than a labor-producing machine.

The Forces to be Opposed

To secure these and other rights to the workingman the labor union must direct its efforts and strength against all those industrial and social forces which prevent and oppose their acquisition and retention. It must antagonize the cupidity and self-interest of particular employers; it must break down, without pity and without mercy to individuals, those barriers of class prejudice and distinction which would reserve the pursuit of happiness to the privileged few; it must effectually control immigration as it enters our great industries because of its tendency to lower the standard of living of the American workingman; it must crush out child labor for all time, and guard carefully the employment of women; it must regulate apprenticeship, and through innumerable other channels the labor union must control and direct economic and social forces if it is to save its members from industrial servitude second only to actual slavery in degradation to the individual and in injury to society.

Outlook. 84: 669-74. November 17, 1906.

Trade Union and Democracy. John Graham Brooks.

If in any far future democracy becomes a fact—a democracy with all the man-made inequalities removed, all the present mockeries gone out of it—the long struggle of the trade union will be written down among the heroisms of history. Its occasional savagery, its hectoring abuses, will fade into a perspective wherein they will appear as incidental, even perhaps as necessary, as strange abuses have been in every wholesome revolution that has marked the progress of the race. The trade agreement will then appear clearly as the training ground for larger and completer partnership, of co-operation or fraternalism in the creation and distribution of commodities.

We now see that this binding agreement between employer and employed is the aim of trade-unionism. We see as clearly that the goal is never reached except through a definite extension of the democratic principle. The joint agreement assumes that business has come to be so socialized that all those who carry it on should have their say in the councils of administration. Anything like a complete democratizing of industry is of course very far in the future, but the organized struggle to that end has begun. The turbulent energies that enter into it *make* the labor question.

The restlessness of labor, its almost pitiless importunity and aggression, its victory to-day at once turned into a reason for further claims to-morrow, are a kind of insanity until they are seen to be the varying signs of this world movement toward the extirpation of arbitrary and privileged power in industry. It is a mischievous delusion to suppose that this industrial pressure will for a moment cease. At a dozen points labor has won its fight before a sustaining public opinion. In a given industry we may now mark its progress by specific issues. Is the union justified in establishing a minimum wage? This was met by a generation of abuse, but as competition drove employers to apply the same principle to *prices*, the absurdity of the unions began to disappear. It was seen in both camps that the necessities of the weaker required this minimum. If it puts some check upon the pace of the strong, there is compensation to the group as a whole. "Each for all and all for each"—the most democratic of shibboleths—gets an added content of meaning. Where the trade agreement exists, the opposition to this minimum could not stand against the discussion of one afternoon session.

But better than all to illustrate the nature of this trade union pressure is the claim for an eight-hour day. The immediate competitive exigencies in a world market present obstinate practical difficulties. We get to know to a certainty that these difficulties must sooner or later yield. The labor pressure at this point will strengthen because the leisure, the health, the freedom which shorter hours imply represent values upon which the workers more and more set heart.

Thus, whether the struggle is over the wage scale, the number of apprentices, piece-work, fewer hours, closed shops, or "recognition," it is an attack on forms of personal power under the wage system. Slowly before our eyes that system is undergoing changes in the *direction* of co-operation or democratic control. If for no other reason than this, that labor more and more believes it is not getting its share, the pressure will continue. The sheer mass of doubt and suspicion on the part of labor has grown into a fact so troublesome that it must be removed by substituting democratic methods. These may for a time work ill and prove costly, but they must be tried if only to remove the deepening incredulity about the fairness of the present wage system.

In the United States, trade union pressure toward co-operation has hitherto been confined almost wholly to the economic field. With sustained desperation, the ablest of our unions have struggled to keep out of politics precisely as they have in other countries, until convinced that their opponents in that field were too strong for them. When those proofs have come, the unions have turned to party politics. This opens another stage in the democratizing of industry.

Outlook. 97: 497-502. March 4, 1911.

Reason for the Unions. Washington Gladden.

In a preceding article I have dealt with the abuses of unionism. The exigencies of the argument seemed to call for this order of treatment, because most of those whom I wish to convince are aware of nothing but the abuses of unionism. If they can be made to see that these abuses are not essential to the institution, they may be willing to give heed to the reasons for its existence.

It may be supposed that the presentation of these reasons is a superfluous work. Nearly every employer whom you meet will tell you promptly, "I believe in trade unions." There is a goodly number of those whose works show that they do believe in them, and who are seeking to enter into

cordial co-operation with them. Most employers, however, are apt to qualify their confession of faith by some such phrase as this, "When properly organized and managed." There seems to be something wanting in such a confession. Would a man say, "I believe in the family, when properly constituted and conducted," or "I believe in democracy, when properly organized and managed"? This seems to imply a reservation of our faith in the institution, if, in any case, fault can be found with its practical administration. Would it not be better to say concerning the family or concerning democracy, "I believe in it, and I hold myself bound to do my utmost to see that it is held in honor and that it is properly constituted and administered"? If such were the attitude of all employers toward trade-unionism, we should soon see a vast improvement in the industrial situation. And I am quite sure that there are many employers who are now frankly antagonistic to the unions who would take this more friendly attitude toward them if they could clearly see what are the real purposes of the unions and what disasters are involved in the proposition to kill or cripple them.

Most of those who say that they believe in unions, "if properly conducted," mean to confine their approval to such unions as are purely social or beneficial. Trade unions generally embody some such features, but they are not the central reasons for their existence. The federal statute providing for the incorporation of trade unions mentions these objects, but also specifies, as purposes of such organizations, "the regulation of their wages and their hours and conditions of labor, the protection of their individual rights in the prosecution of their trade or trades." The trade union has always had insurance features and social and educational features, and these are the features which the average employer is ready to indorse; but the main purpose for which they are organized is thus succinctly expressed by Mr. and Mrs. Webb: "To provide a continuous association of wage-earners, *for the purpose of maintaining or improving the conditions of their employment.*" This purpose the average employer does not approve of; when the union begins to exert its power in regulating wages or hours or

conditions of labor, he thinks that it is getting out of its sphere and becoming a menace to the social well-being.

Here, now, is the crux of the situation. This is the main function of the trade union—to organize and express the will of its members in bargaining about terms and conditions of labor. For one who disputes this right to say that he believes in trade unions is much like saying that he believes in watches provided they have no mainsprings, or in rivers so long as there is no water in them. No one can intelligently say that he approves of trade unions unless he approves of giving to the men who are organized in them the right of dealing, through their representatives, on equal terms with their employers, concerning the wages they shall receive, the hours they shall labor, and, the conditions under which their work shall be done.

There are employers who appear to say that they are willing to permit trade unions to negotiate about these matters, provided the unions will pledge themselves beforehand not to enforce their demands by striking. It does not appear, however, that these employers propose to divest themselves of the power to reduce wages, against the will of the men, or to dismiss whom they will without the consent of the union. They expect to keep for themselves all the power they now possess; all they ask is that before entering upon the struggle for the division of the joint product of capital and labor the representatives of labor shall tie their own hands behind their backs. The proposition does not appear to be a very chivalrous one; probably while human nature remains as it is, and the competitive regime continues to prevail, it will not be widely accepted.

What, then, shall we say about this demand of the unions—that they shall have the right, collectively, through their chosen representatives, to bargain with their employers about wages and conditions of labor? Is it a reasonable demand? I think that it is eminently reasonable and just; that no fair-minded employer ought for one moment to question it.

Let us remind ourselves that we are not dealing now with the old domestic system of industry, in which there were nearly as many men as masters, and the cases were

rare in which the capitalist employer did not personally know all the people in his employ. Most of our industrial maxims are drawn out of that régime, and have no application to the present order. Let us remember that we are dealing now with the large system of industry, in which a single responsible employer represents hundreds or thousands of stockholders, and deals with hundreds or thousands of employees—a relation in which personal friendships and sympathies between employer and employee have come to be a negligible quantity. Suppose, now, that there is no organization among the laborers, or none that has any power to deal with questions of wages or hours of labor. The competitive régime is founded on the assumption that prices will be fixed by "the higgling of the market." How much "higgling of the market" is likely to take place between a single laborer and such a corporation? Let Sidney and Beatrice Webb set forth the details of the process. The case supposed is that of a labor market in perfect equilibrium.

"We assume that there is only a single situation vacant, and only one candidate for it. When the workman applies for the post to the employer's foreman, the two parties differ considerably in strategic strength. There is first the difference of alternative. If the foreman, and the capitalist employer for whom he acts, fail to come to terms with the workman, they may be put to some inconvenience in arranging the work of the establishment. They may have to persuade the other workmen to work harder or to work overtime; they may even be compelled to leave a machine vacant, and thus run the risk of some delay in the completion of an order. Even if the workman remains obdurate, the worst that the capitalist suffers is a fractional decrease of the year's profit. Meanwhile he and his foreman, with their wives and families, find their housekeeping quite unaffected; they go on eating and drinking, working and enjoying themselves, whether the bargain with the individual workman has been made or not. Very different is the case with the wage-earner. If he refuses the foreman's terms even for a day, he irrevocably loses his whole day's subsistence. If he has absolutely no other resources than his

labor, hunger brings him to his knees the very next morning. Even if he has a little hoard, or a couple of rooms full of furniture, he and his family can only exist by the immediate sacrifice of their cherished provision against calamity, or the stripping of their home. Sooner or later he must come to terms, on pain of starvation or the workhouse." It is now universally agreed, Professor Marshall tells us, "that manual laborers as a class are at a disadvantage in bargaining." The fact is so palpable that it is needless to quote authorities. A single laborer has no fighting chance in dealing with a great corporation; he can only accept what is offered him. The consequence is his inevitable degradation. Professor Marshall points out that "the effects of the laborer's disadvantage in bargaining are cumulative in two ways. It lowers his wages, and, as we have seen, this lowers his efficiency as a worker, and thereby lowers the normal value of his labor; and, in addition, it lowers his efficiency as a bargainer, and thus increases the chance that he will sell his labor for less than its normal value."

Under the present system of large industry, with competition as the regulative principle, unorganized labor is always driven on the downward road. This results not only from the inequality between the single laborer and the great corporation, but also from the competition between employers. For the employer of humane and liberal sentiment, who wishes to pay his working people the highest wages possible, finds himself unable to compete with the unscrupulous employer, who, by forcing wages down, is able to produce goods cheaper than the former can, and thus to undersell him in the market and get his business away from him. Mr. John Graham Brooks quotes a retired shoe manufacturer of wealth who said of the trade unions: "They make a good many stupid mistakes, but *an organization strong enough to fight the employer is a necessity to labor.* Competition so forces many of the best employers to copy the sharp tricks of the worst employers in lowering wages, that the trade union must be equipped to fight against these reductions or for a rise in wages when business is more prosperous."

The fact that unorganized labor is steadily forced downward toward starvation and misery is a fact which no stu-

dent of industrial conditions would dream of denying. The history of the industrial revolution by which the factory system supplanted the domestic system of production is full of examples of this process. Men who angrily declare that there shall be no organization of labor ought to read carefully the industrial history of the second quarter of the nineteenth century, when the conditions which they consider ideal were prevailing in the great industrial centers. There were no unions in England during the earlier part of this period; laws of the most drastic character, which made it a criminal conspiracy for two or three workingmen to consult together for the purpose of securing shorter hours or better wages, had effectually stamped out unionism.

For the employers it was a most prosperous period; wealth was increasing by leaps and bounds, great fortunes were being heaped up; but the chasm between the employer and the employed was steadily widening, and the condition of the working people was becoming more and more deplorable. "In the new cities," says Arnold Toynbee, "the old warm attachments, born of local contiguity and intercourse, vanished in the fierce contest for wealth among thousands who had never seen each other's faces before. Between the individual workman and the capitalist who employed hundreds of 'hands' a wide gulf opened; the workman ceased to be the cherished dependent; he became the living tool of whom the employer knew less than he did of his steam-engine."

Government reports of this period show that children of five and six years of age were frequently employed in factories. Men and women stood at their daily tasks from twelve to fourteen and fifteen hours; a working day of sixteen hours was not an unheard-of thing. Even at that early day the demand was loud for machines that could be tended by women and children; and their husbands and fathers were driven out of the shops and compelled to stand idle in the market-place. "Nor was this unmeasured abuse of child labor," says Mr. Hyndman, "confined to the cotton, silk, or wood industries. It spread in every direction. The profit was so great that nothing could stop its development. The report of 1842 is crammed with statements as to the

fearful overwork of girls and boys in iron and coal mines, which doubtless had been going on from the end of the eighteenth century. Children, being small and handy, were particularly convenient for small veins of coal, and for pits where no great amount of capital was embarked; they could get about where horses and mules could not. Little girls were forced to carry heavy buckets of coal up high ladders, and little girls and boys, instead of animals, dragged the coal-bunkers. Women were constantly employed underground at the filthiest tasks."

Through all this period wages gravitated downward, and while the cost of food increased the family income was steadily lowered. The Parliamentary reports give us pictures of the life of the people in all the great manufacturing centers that leave nothing for the imagination: "In the parishes of St. John and St. Margaret there lived in 1840, according to the 'Journal of the Statistical Society,' 5,366 workingmen's families in 5,249 'dwellings' (if they deserve the name!), men, women, and children thrown together without distinction of age or sex, 26,830 persons all told; and of these families three-fourths possessed but one room. In the aristocratic parish of St. George, Hanover Square, there lived according to the same authority, 1,465 workingmen's families, nearly six thousand persons, under similar conditions, and here, too, more than two-thirds of the whole number crowded together at the rate of one family in one room."

"The preacher of the old church at Edinburgh, Dr. Lee, testified in 1836 before the Commission of Religious Instruction that he had never seen such misery in his parish, where the people were without furniture, without everything, two married couples often sharing one room. In a single day he had visited seven houses in which there was not a bed; in some of them not even a heap of straw. Old people of eighty years sleep on the board floor; nearly all slept in their day clothes. In one cellar room he found two families from a Scotch country district. Soon after their removal to the city two of the children had died, and a third was dying at the time of his visit. Each family had a filthy pile of straw lying in a corner, and the cellar sheltered, besides

the two families, a donkey, and was, moreover, so dark that it was impossible to distinguish one person from another by day. Dr. Lee declared that it was enough to make a heart of adamant bleed to see such misery in a country like Scotland."

And these, be it remembered, were not days of industrial depression in Great Britain; they were flush times, booming times, when railways were building, and great mills were springing up on every hand, and hundreds of capitalist employers were building up great fortunes.

Such is the irresistible tendency of the large system of industry when labor is unorganized. It is helpless to resist the forces which press upon it from every side and doom it to degradation. Our own country has witnessed comparatively little of this tendency, because until recently there has been abundance of cheap land to which the workers could betake themselves, and the physical development of a new country has absorbed our surplus labor. But even here the labor of women in the cities has given us some hints of the oppression to which unorganized labor is exposed; and such conditions as have lately been uncovered in Pittsburgh, where unionism has been practically exterminated, enable us to see what kind of fate is in reserve for any working class which fails to unite for its own protection.

What other possible barrier can be interposed between the working class and these forces of selfishness that always tend to exploit and degrade them? Shall the power of the state be called in to protect them? The state may usefully interfere in behalf of children and women, and in the interest of public health, and for the safeguarding of the life of the laborer, and in some other ways; but so long as competition is the regulative principle of industry the state can do very little to shield the laboring man from the pressure on his means of subsistence of the superincumbent mass of consolidated capital. Nor is it desirable that the state should take any class of its citizens under its special patronage.

It is often charged that the state has extended special privileges to capital, by which it has been able to exploit the

laboring class; and also that it has failed to prevent illegal and oppressive conduct on the part of the strong by which the weak have been plundered. All such wrongs the state is bound to rectify; but when it has done all that it ought to do in these directions, it will still be possible for great combinations of organized capital to take advantage of unorganized labor and crowd it to the wall, and there is nothing that the state can do to prevent it.

It may be suggested that the sentiments of justice and humanity in the hearts of the capitalists themselves will prevent this oppression. Doubtless there are among them men of good will who would be moved by such considerations; but unfortunately these are not the people who set the pace in these competitive struggles; and the unorganized laborers, instead of enjoying the protection of the best employers, soon find themselves at the mercy of the meanest.

But who wants to put them under anybody's protection or at anybody's mercy? Who wants them to be coddled by the state or cockered by their employers? Are we going to put the millions of working people on the list of beneficiaries, and teach them to depend for their existence on the bounty of their employers? These are American citizens; they ought not to feel that they are living on this soil by anybody's sufferance; they ought not to be put, by our industrial system, in a position of vassalage, and they must not be. They ought to be men who have rights, and who "know their rights, and, knowing, dare maintain." We cannot afford to have any other kind of citizens in this country. Some way must be found by which these men shall become not only politically but industrially free; by which they shall have something themselves to say respecting the terms and conditions of their employment, by which they shall be assured that their standing in the community is not a matter of grace but of right.

It is one of the bitter complaints against trade-unionists that they become insolent and arrogant in the use of their power. How much of that is a reaction from the abject servility to which anti-unionism tends to degrade them? I confess that nothing more disquieting has lately come to

my knowledge than that state of mind in which we sometimes find American workingmen. In a late number of the "Technical World" Mr. P. Harvey Middleton thus describes his interview with a workingman in the Carnegie works at Homestead. It was on a Sunday morning, and the man was just out of the mill. "He was asked if there had been any reduction of Sunday work since the recent order about Sunday labor had been issued. 'Reduction be ———!' he ejaculated. 'Why, I haven't had a Sunday off in five years.' Then he suddenly became very serious, and, looking fearfully around the car (the steel workers have learned by bitter experience that the spies of the corporation are everywhere), bent down—he was over six feet—and whispered in my ear: 'This morning I skipped without saying a word to my boss. I don't know what will happen, and I have a wife and five kids at home. But I think I might have at least one half Sunday in five years, don't you?' This last an almost pathetic appeal. Here was an American citizen who had been working twelve hours a day, seven days (eighty-four hours) a week for five consecutive years. He was a laborer, and the Steel Trust paid him for his endless toil sixteen and a half cents an hour. He wanted to spend the Sunday with his wife and children, but there was very little doubt in my mind that when he returned to work on Monday morning he would be promptly discharged for quitting work without permission on the day of rest."

However that might have been, the shameful fact is that an American man should be afraid to complain of such conditions lest he should lose his livelihood. So also during this year of grace, in a town named Bethlehem (!), three machinists who dared to petition the manager of the steel works for the elimination of Sunday work were promptly discharged. As a consequence of this drastic policy, generally enforced where there are no unions, workingmen hardly dare to express a wish for better conditions. Mr. Robert A. Woods, a most sober student of existing condiions, says that "the Pittsburgh employers' point of view, more than that of any other city in the country, is like that of England in the early days of the factory system—holding employees guilty of a sort of impiety, and acting with sud-

den and sure execution if they undertake to enforce their claims in such way as to embarrass the momentum of great business administration." This is the point of view which tends to prevail where unionism is excluded, and submission to it must produce a servile spirit in the laborer.

The street-car men in our Columbus strike have told me of the fear of consequences which oppressed them when, before their union was organized, they ventured to circulate a humble and perfectly respectful petition for a slight increase of pay. That they had reason for such fear was made manifest when the company's inspectors warned them that they would be sorry if they did any such thing, and when those who were instrumental in circulating the petition were first reprimanded by the manager, and then, one by one, discharged.

I do not think that a wise statesmanship will consent to see the masses of American workingmen put in a position like this. Some way must be found by which they may keep their liberty and preserve their manhood.

By organizing themselves into unions they obtain and preserve this power. I know no other way under the present industrial system by which they can obtain it. I have never heard any other way suggested.

By this method they do maintain their freedom and prevent the degradation to which, without organization, they are doomed. There is no question that, in the well-weighed words of John Mitchell, "trade-unionism has justified its existence by good works and high purposes. . . . It has elevated the standard of living of the American workman and conferred upon him higher wages and more leisure. It has increased efficiency, diminished accidents, averted disease, kept the children at school, raised the moral tone of the factories." Much of the legislation by which the conditions of the laboring classes have been improved is due to the initiative of the unions. Beyond all controversy, that frightful deterioration of the industrial classes which the large system of industry set in deadly operation has been arrested, and the lot of the laboring man has been vastly improved during the last seventy-five years. No such horrible living conditions as those which I have described

above can be found to-day in the great factory towns of Great Britain; even "the submerged tenth" are living far more decently now than the average mechanic was living then. Even Pittsburgh, in all its misery, is a paradise compared with Manchester and Glasgow in the third and fourth decades of the nineteenth century. Many causes have wrought together to produce this improvement, but the students of social science agree in their judgment that the most efficient cause of that improvement has been the organization of labor. It has enabled the working people to resist the pressure that would have degraded them, and to demand and secure a fairer share of the wealth which their labor produces.

It is true that not all workingmen have been included in the unions, but even those outside the organizations have largely shared in the gains that have been won by organized labor. When, in an open shop, the union succeeds in getting better wages or shorter hours, the non-union men get the benefit of the rise. The unorganized trades, like that of the sewing women, have, no doubt, often been exploited by their employers; but the general level of wages is undoubtedly kept up by the labor unions.

So great have been the benefits which unionism has brought to the laboring classes and to the community at large that a philosophic statesman like Professor Thorold Rogers, of Oxford, declared that if he had the making of the laws he would exclude from the franchise all workingmen who were not members of trade unions. Certain it is that the man who proposes to outlaw or exterminate them assumes a heavy responsibility.

NEGATIVE DISCUSSION

Atlantic Monthly. 109: 758-70. June, 1912.

Value of Existing Trade-Unionism. Charles Norman Fay.

I

During the thirty years from 1879 to 1909 I was at the head successively of several corporations employing from two hundred to two thousand working people. Like most believers in democracy I originally believed also in the organization of labor; in the right of the working men, singly weak, to strengthen themselves by union in any honest effort for their own betterment. I believed that organization, bringing to the front the ablest minds among their number, would tend to educate the working people in the economics of labor, to their own good and that of the community. Results, however, have been disappointing. The management of trade unions appears to have become like that of city politics—an affair of personal self-interest rather than of the public good. This conclusion is drawn from various personal experiences, and from public documents to which I shall hereafter refer.

I came into contact with organized labor when, about 1899, a small typewriter factory in Chicago which I controlled, employing some two hundred and fifty men, joined the National Association of Manufacturers, consisting of over three thousand of the largest employers in the United States. At the moment I found its attention preoccupied with the matter of union labor. A great dread of labor unions swept over employers about 1900, and the National Association of Manufacturers, the Anti-Boycott Association, the Metal Trades' Association, the Typothetæ, and many local associations were formed, largely for the purpose of defense. Labor conditions grew worse; strikes, original and sympathetic, multiplied, until many employers moved their

works out of the city, and many others, including our concern, opened negotiations with various country towns for removal thither. We joined the Anti-Boycott Association, about 1901, and I became a member of the committee in charge of the litigation begun by this association in the Chicago courts. I was made, about the same time, the vice-president for Illinois of the National Association of Manufacturers, and subsequently the chairman of its special committee on strike insurance.

My company's factory was unionized in 1903, for the first time in its nine years of existence, and forthwith was "struck" by six unions affiliated with the Chicago Federation of Labor. The union demands included an eight-hour day instead of ten hours, an advance of twenty per cent in wages, the handing over of shop rules and discipline to a union committee, the sanctioning of sympathetic strikes, the closed shop, and a number of lesser requirements.

Our company was young. Engaged as we were in a fierce competition with the so-called Typewriter Trust, and other large typewriter makers, whose works were without exception in country towns, and who paid lower wages for ten hours a day, the narrow margin of profits which we had attained would have vanished instanter, and we should have started at once toward bankruptcy. I stated these facts to the union leaders, and invited them to put an expert on our books to verify my assertion. They replied that they could not bother with our books, that we could "cook" our accounts to suit ourselves, and anyhow they did not care to deal with weak concerns. If we could not do business in Chicago under union conditions, we had better get out of business or out of Chicago. "What then of our men whom you have just unionized?" I asked. "Would you destroy their jobs forthwith?" "They must sacrifice themselves for the cause of labor," was the reply, and the poor fellows did. As the business agents left they whistled, and most of the men dropped their tools and marched out.

Before this there had been a fortnight of negotiations, during which I looked about for help. I tried to join the Metal Trades and Employers Associations, and to get under their collective-bargain umbrella; but I found no room there.

These associations were controlled by the larger local factories such as the harvester, ice-machine and electrical works, with whose methods, scale of operations, sales, and seasons, our little typewriter factory had practically nothing in common. Labor conditions which were tolerable to them were to us about as deadly as the union demands. So I found myself, with a heavy heart, compelled to make my fight alone.

A few months before, I had met on the railway train one of the Studebakers of South Bend, whose factory had recently passed through a strike, of which he told me as follows:—

"There had never been any unions in South Bend until the organizers came from Chicago to organize our men. As soon as this was done, they called a strike. Their demands seemed to us impossible. So we called the men together, and I made them a speech. I said to them, 'We have got along with you men, from father to son, for thirty years, and have never had any trouble until these strangers came in to make it. Now you have put up to us demands that we believe are impossible. You, of course, believe the other way. And what you believe, any other body of men are likely to believe. If we can't get along with you, we can't get along with anybody else. Therefore, we are not going to try to supply your places or to run this factory unless we run it with you. We shall simply shut down and give you a chance to look around for a better job. If you don't succeed in finding one and wish to come back, the old job is ready for you on the old conditions whenever men enough decide to come to work to run the shops. If you never come back the shops will stay closed.'

"So we shut down and left simply the watchmen there, as at night. We employed no strike-breakers, and there was no hard feeling. After a few weeks the older men began to think and argue and, in the course of two months, the strike gradually faded out. The men came back, a few at a time, work started up, and we have been non-union ever since. No property was wrecked and no men killed, and we have had nothing to regret."

Mr. Studebaker's narrative impressed me strongly, and when I faced a similar situation I followed his lead exactly.

We paid off the men and inclosed in every pay envelope a letter stating that we should not fill the men's places, but merely wait until they found out that all the unions in Chicago could not furnish them another job; after which, if they chose to come back, the old jobs would be ready under the old conditions. If they found other work and did not return in a reasonable length of time, we should feel free to start up with new employees, first giving each man ten days' notice so that he could, if he chose, apply for his old situation.

So the shop remained closed for nearly eight weeks. The unions picketed it in the meantime, but without reason. After six weeks the majority of the men indicated that they wished to return to work, and we gave them the agreed ten days' notice. Before starting up, as many of the men expressed the fear of slugging, we agreed to put the property under the protection of the courts, and applied for an injunction restraining the unions and our union employees from picketing, intimidation, and violence.

Nevertheless, on the day that work was resumed, two men were slugged. We caught the sluggers, brought them before the court, had them sentenced, and then had the sentence suspended during good behavior. We also furnished our men with police escort to and from work.

These precautions ended all difficulties. The majority of our employees privately told their foreman that they had had no grievances, and had joined the union only because they were afraid to stay out. As soon as they felt themselves protected by the law, they quit the unions and returned to work.

None of them except the pickets received strike benefits from the unions while the strike lasted, although they had been told when joining the unions that a large war-fund had been laid by in previous years in anticipation of this year of struggle, from which they should benefit. When our strike was announced in the papers, the Chicago manager of a detective agency called to see me, stating that his office made a specialty of handling strikes, and that he could give me advance information of every movement made against

our company. I expressed some doubt as to his ability to do so. He replied about as follows:—

"These union leaders are all grafters; they will take money from you, or from me, from the politicians, and from the men,—anywhere they can get it. Our agency practically owns an official in every important union in America. We will give you detailed type-written reports of the proceedings of the executive and finance committees of the six unions with which you are concerned. When you start up, the unions will slip a union man in your shop to *re*-organize it. We will slip one of our operatives in there, too, and he will keep you informed as to what the union man is doing."

He finally persuaded me to accept his services, and for nearly six months I received his daily reports, whose accuracy, regarding our strike at least, was sufficiently verified by my knowledge of the facts from our own side. The financial statements, which came in twice a month, showed that but one-fifth of the union war-fund came back to the men, mostly in the shape of pay for pickets, while four-fifths went in salaries and expenses of the organization. The largest single items were the bills of a certain lawyer, perhaps the most conspicuous champion of downtrodden labor in America, aggregating many thousands of dollars, paid him for defending sluggers and fighting injunctions against violence and intimidation of non-union men. Our strike collapsed in about eleven weeks, but according to these statements our pickets, who disappeared from the neighborhood entirely about that time, were continuing to draw pay when I stopped taking the statements some three months after. As the business agents were frequently seen about our neighborhood, and must have known that the pickets were not there, the interesting query arises—*who got the money* that was charged as paid for the services of the latter?

Another interesting item in the financial report was two dollars per man paid to the organizers for organizing our shop. To cover this, each man had been charged three dollars initiation fee, and about fifty of our men failed to pay it. After the collapse of the strike the business agents

proposed to me to "call it off," provided the company would pay the union the amount of these defaulted initiation fees, —a proposal quite in keeping with the whole miserable performance.

When we finally started up as a non-union shop, desiring to keep out union spies while filling a few vacancies, we advertised, anonymously for men of the six trades, in three different ways, thus running eighteen "ads" at once: for union men, closed shop—for non-union men, non-union shop—and for men, open shop. Nearly a hundred applicants answered both union and non-union advertisements and were, of course, rejected; but the far more interesting development was the fact that out of about one thousand applications received by mail over eight hundred and fifty were for the non-union job. Many wrote strongly, eager for steady work from which they could not be called by business agents every little while. Even from the "polishers," supposed to be solidly unionized, of fifty-one applications thirty-one were for the non-union job. This "straw vote" satisfied me that our little shop at least could ignore the unions; and it did.

Meantime the work of the Anti-Boycott Association was going on in Chicago and the vicinity. Its purpose was to enforce the common and statute law regarding conspiracy and combination in restraint of trade against the labor unions. The strikes of 1901-1903 afforded a favorable opportunity, and Chicago a strategic point for its operations. Several important injunction suits were brought and fought through the local committee of which I was a member. The moral effect of the protection of the courts upon the laboring population was so marked that, during the years from 1900 to 1903, not far from one hundred injunctions were taken out in Chicago and the vicinity. It became well understood among employers that the majority of employees, even union men, preferred to remain at work *if protected;* naturally the hostility of the unions to the issuing of injunctions by the courts grew bitter, and still persists.

Eventually less aggressive counsels prevailed in the National Association of Manufacturers. Suggestions of a great fighting association of employers and the formation of a

large war-fund, of extensive lock-outs and the like, came to nothing. Collective bargaining accomplished little. The Studebaker method of non-resistance, involving merely ability to shut down, appealed to me as the best defense against professional trade-unionism. I therefore proposed at the annual meeting of the National Association of Manufacturers a method of conferring that ability on every member; namely, a plan for mutual strike insurance, permitting any member to insure against loss of profits and waste of fixed charged during idleness caused by strikes.

The Honorable Carroll D. Wright, Commissioner of Labor, had published, in 1901, the first report of the Department of Commerce and Labor on Strikes and Lock-outs, covering the years 1881 to 1900. The averages from this report indicated that such insurance could be written at a premium of less than one per cent per annum.

The association listened to the suggestion and appointed a committee on strike insurance, of which I was made chairman; and in that capacity I conducted an extensive correspondence, sending out printed interrogatories to the entire membership of the association, which yielded much valuable information,—among other things the fact that union labor was universally found to be from thirty to forty per cent less efficient than non-union labor.

I then thought, and still think, strike insurance an absolutely lawful, cheap, and practical method of coöperation among employers, which if generally adopted would put professional labor leaders clean out of business. For an employer need only say to the business agents, "Go ahead and strike. It will cost me nothing. I am insured, and I will shut down and go fishing until the men feel like going to work again."

But my associates, like myself, had had their experience in 1903; and had found out that unionism had not entirely superseded the laws of supply and demand. They answered my committee substantially as follows: "Your proposals are sound, but not worth while. We do not have strikes very often. When business is good, and we want men, we have to bid up for them; when it is bad and we do not want them, they come around after us. We prefer to take our

chances, and if a strike comes, meet it in our own way. Organized or not, we can and will pay labor only what trade justifies."

In short, by 1904, to these representative employers, over three thousand of the largest in the land, organized labor was no longer the devouring monster of 1900, but had shrunk to a mere gad-fly of trade, at which the patient ox of industry might indeed switch an uneasy tail, but against which it was scarcely worth while to screen him.

Later on, our company dropped out of the National Association of Manufacturers and of the Anti-Boycott Association, and my personal contact with the labor organizations ceased. I now relate these experiences merely as a "story" to lead the reader on to a far more important and convincing array of facts found in certain public documents, namely:—

The Second Report of the Commissioner of Labor, on Strikes and Lockouts from 1881 to 1905; the Report of the Senate Committee on the Course of Prices and Wages from 1900 to 1907; of the Census Bureau on Manufactures brought down to 1905; and the advance bulletins of the Census of 1910.

According to the first-mentioned report, there were in the United States in 1905, besides transportation companies, some 216,262 wage-paying concerns, employing 6,157,751 workers. In 1881 the workers numbered 4,257,613; so that for the twenty-five years included their average number may be assumed as 5,200,000. During this period there were no less than 36,757 strikes (not counting those of less than a day), involving 181,407 concerns, and 1546 lockouts involving 18,547 concerns. Neglecting the lock-outs and excluding railroad employees, 8,485,600 persons were thrown out of employment by strikes, for an average period of 25.4 days. These totals are large enough to form the basis of reliable percentages and sound conclusions. Assuming the low normal of 250 working days per annum, we may figure the total time lost by strikes during that twenty-five years as two thirds of one per cent of normal working time—an almost negligible fraction.

Of the establishments involved, 90 per cent were "struck" by organized, and but 10 per cent by unorganized labor.

Organized labor won or partly won in 65 per cent, and unorganized labor in 44 per cent, of strikes undertaken.

Lock-outs averaged 85 days in duration against 25.4 days for strikes. Employers won or partly won in 68 per cent of the lock-outs begun.

Sixty-seven per cent of all strikes were for wages, hours, and other primary questions between employers and their men; 33 per cent were for recognition of the unions, and other secondary questions between employers and the unions, as distinguished from the men. But, during the twenty-five years, as labor organization progressed, this proportion changed steadily and significantly. In 1881, for instance, wage questions caused 71 per cent of the strikes, and "recognition" but 7 per cent. In 1905 the figures were respectively 37 and 36 per cent. As the percentage of strikes for recognition rose, the percentage of victories fell, from the grand average of 65 per cent for the twenty-five years, to 52 per cent in 1904 and 1905, the last two years.

Substantially no strikes were undertaken for sanitary conditions, or against dangerous machinery, child or female labor, and the like welfare questions, which the labor leaders have practically left to the philanthropists.

To-day, after fifty years of organization, we may say roughly that 70 per cent of the industrial workers and 90 per cent of all wage-earners *remain non-union* and may be presumed not to favor strike-machines. The enormous majority of wage-workers neither unionize nor strike, but prefer to remain at work and settle their wage questions and working conditions for themselves directly with their employers.

II

In valuing the widely differing results of strike-effort, that is, the efficiency of trade-unions, certain general considerations must be borne in mind. "The destruction of the poor is their poverty." All an employer needs to win any ordinary strike is the ability merely to shut down, and wait until starvation does its work. This he knows perfectly well. But low wages, long hours, and such primary ques-

tions between him and his men are seldom worth to him a shut-down, or a fight to keep running. They mean merely increased cost of labor which, like that of material, can generally be added to prices, and the burden passed along to the consumer. Indeed, the large majority of increases and decreases, the natural fluctuations of wages and prices, take place automatically under the law of supply and demand; and differences come to the striking point, as we have seen, only two-thirds of one per cent of the time—which is too seldom to count much. Ordinarily, therefore, the employer is indifferent, and easily yields wages and hours demanded. He is seldom the tyrant blood-sucker of helpless laboring men, women, and children that union leaders and muck-rakers love to depict; with rare exceptions he is a pretty decent fellow, who likes his working people, and willingly pays full going wages, and runs as short hours as his trade will permit.

Of prime importance to him, on the other hand, is the kind of work he gets for wages paid during the 99⅓ per cent of the time between strikes. "No man can serve two masters; for either he will hate the one, and love the other; or he will hold to the one, and despise the other." When "recognition" means that employees must take orders from half a dozen different unions instead of from the man who pays them; that old and faithful hands must unionize or leave, that sympathetic strikes and boycotts and refusal to handle non-union material may unexpectedly and uselessly involve him in the troubles of distant strangers; in short, that brains, foresight, and energy may any day be ripped out of his business, as a scullion rips the vitals from a fish, and it must broil helpless on the gridiron of competition,—all of this being exactly what "recognition" does mean,—verily the employer is bound to fight or lock out, if he can. But first, with property and trade at stake, he carefully considers his position.

He cannot fight or lock out, but must yield for the nonce, when, as in the building trades, time is of the essence of his obligations, with important work to be finished by a day certain; or when he is financially so weak that he must keep going or fail. He cannot yield or lock out, but must

fight, when, as in the railroad and other public service, the law and franchises enforce continuous operation, yet limit prices for service; or when, as of late in the soft-coal and garment trades, competition is so intense as to have precisely the same effect. The poor chap ponders long, and often decides wrongly. But the labor leaders are held back by no financial responsibility of their own or of their unions. The union men may suffer individually, but the leaders' comfortable salaries run on, and union treasuries are on tap. The leaders' personal importance increases enormously during a strike, while for the grafters among them—and union history is full of graft—the strike is their greatest opportunity.

The student can understand, then, why there were ten strikes to one lockout, and nine union strikes to one called by unorganized labor; why labor has won the majority of strikes so far, and lost the majority of lock-outs; why, as they strike more and more for "recognition" and like secondary causes, the unions win less and less; and why the leaders fight three times as desperately, and hold their unlucky followers out three times as long for "recognition," involving their own power and prestige, as for wages, concerning only the men—yet, nevertheless, lose oftener in the end. One can understand, too, why, when trade conditions compel reductions of wages or demand shop discipline and efficiency, capital takes a stand and labor is comparatively helpless.

And finally one can understand why—as Allan Pinkerton said of the Mollie McGuire thirty years ago—"Organized labor is organized violence." It must always be. So long as the great majority of laborers remain outside the unions, and a majority of those inside are there only through fear, terrorism becomes the only means of preventing free competition in labor and the settlement of strikes according to the real attractiveness, or the contrary, of labor conditions. Samuel Gompers is credited by a recent New York daily with the remark, "Organized labor without violence is a joke." It seems impossible that we should have said such a thing, but the thing itself is true of existing trade-unionism.

Seeing then that labor is at actual "war" with capital but two thirds of one per cent of the time; and that even then

organized labor wins but three times to unorganized labor's twice, what after all is all this colossal organization worth to labor? What is the net value of three wins to two during less than one per cent of the time? Does this minute increase of efficiency justify the cost of organization during the remaining ninety-nine per cent?

The labor leaders will answer that organization is the sole foundation of good wages *all* the time. Well, is it? Let us turn to the Senate Report on Wages and Prices for the following testimony:—

While from 1900 to 1907 the average price of 25 leading commodities advanced 17 per cent, farm labor, entirely unorganized, advanced from 60 to 67 per cent. Ribbon and hosiery mill-labor, poorly organized, two thirds of whose strikes failed (see strike report) advanced respectively 44 and 36 per cent; railway labor, highly organized, advanced as follows: trainmen 33 per cent, machinists 30 per cent, engineers 20 per cent, miscellaneous 18 per cent; building-trades labor, over-organized, advanced but 32 per cent; cabinet-makers, well-organized, advanced but 20 per cent.

Another comparison from the same report of wages paid in 1907 in different cities and countries, shows that union carpenters earned in Philadelphia $21 per week, in Louisville $18, in Baltimore $21, in Chicago $27.50, in London, England, $10.65. Union compositors earned in Philadelphia 43 cents per hour, in Chicago 67 cents, in San Francisco 80 cents.

That is to say, of the different classes considered by the Senate Committee, entirely unorganized, unskilled labor gained most in wages, badly organized labor came next, and the best organized and strongest of all union labor, the railway engineers, gained least; while laborers of the *same* unions at one and the same time, in different cities of the same country, drew widely different and apparently inconsistent rates of wages for the same work.

How can these contradictory facts be accounted for on the theory that unionism is the foundation of wage scales? *It is not.* Actually, they are fixed the world over by local conditions of supply, demand, and efficiency; and trade-unionism has had about as much effect upon them, broadly

speaking, as has had that magnificent fake, the protective tariff.

If unionism cannot, what then can secure for the workingman high wages, that is, a high standard of living? The answer is plain—nothing but efficiency: high-producing power conferred on labor by conjunction with brains and capital. This almost axiomatic proposition is prettily demonstrated by the 1905 Census Report on Manufactures, which shows:—

That small establishments whose annual product amounted to $5000 or less employed 1.9 per cent of the labor, drew 1.6 per cent of the pay-roll, and produced 1.2 per cent of the total output.

That middle-sized concerns of $100,000 to $200,000 annual product, employed 18.8 per cent of the labor, drew 18.3 per cent of the wages, and produced 14.4 per cent of the output.

That large concerns of $1,000,000 or more annual product employed 25.6 per cent of the labor, drew 27.2 per cent of the pay-roll, and produced 38 per cent of the output.

Evidently the little fellow who is "crushed by the trust" and goes to work for it, "no longer free but a mere slave," draws more pay than before, as it grows bigger, and his efficiency grows with it. A little of the resulting saving comes to him direct; a little goes to the trust; but the bulk of it comes to you and me, to everybody, himself included, in reduction of prices and cost of living. That is the law of trade.

How much ought to come to him direct? What should be his share of the increment of his productive value due not to himself, but to capital and brains? Not much! Like the "unearned increment" on real estate, most of it rightfully belongs to the community; and one way or another the community gets it. What then are those "rights of labor," which labor is to get when Mr. Gompers's prophecy of the final domination of muscle over mind is realized? Probably labor itself would define them as an even "divide," master and man alike, all round. Well, what would that amount to? Here is a crude guess.

The census of 1910 gives the total wealth of the nation as about 107,000 millions of dollars, of which about one quarter was in the land; which last the nation neither made

nor saved. The rest was in worldly goods produced by all, and saved by some of us. It amounts to, say $983 each for every man, woman, and child in the United States; or, say, $4500 per family. At the usual capitalistic return of 5 per cent this would yield $225 per annum, or 61 cents per day per family. That is, were all the brains and property of the country to continue as now at the service of labor, and were it to work as hard as now, and were each family head to draw 61 cents per day greater average pay, labor would get everything—nothing left for capital, brains, and time spent in evolution of the commercial situation.

Labor would probably turn upon Gompers and say, "Is that all? Where are our rights—our automobiles and Scotch castles, our golf and idle days?" And some wiser man than Edward Bellamy would answer, "Those things are not on the cards, boys. You will each have to turn out many hundred times more work than you are doing every day in order to pass such luxuries around." The boys would probably reply, "If 61 cents a day extra, and hard work for life, is all there is in it, we will take a vacation and spend our $4500 apiece right now, and have one good time while it lasts."

As a matter of fact, there are no "rights," there is no enormous profit stolen from its daily toil, which labor does not get. The whole wealth of the country, its accumulation of three centuries, was 80,000 million dollars in 1910, land-values neglected. The farm products of that year were 9000 millions, the industrial products 15,000 millions, and the precious metals 126 millions; probably all in all we produced 25,000 millions of dollars value last year. The savings of three centuries, then, are barely three years product! and they, too, are perishable. The food and merchandise disappear in a year; the roads, rolling-stock, and machinery in ten years; the buildings, say, in thirty. All must be renewed from year to year. The world really lives from hand to mouth, its toiling millions consuming at least 97 per cent of all they produce. A few millions of workers of rare industry and thrift, a few hundred thousand of still more brain and energy, gather together the small fraction that remains, and concentrate it by the world-wide machinery

of modern commerce in a few favored countries—for themselves, as they fondly suppose, but really, under a mightier intelligence than theirs, mainly for the use and benefit of labor, which works and thinks as little as possible, and saves hardly at all.

Let us inquire now what are the plainly evident interests of wage-working people, and upon them try to build logical and useful principles of association with those of their fellow men who, possessing brains, will always also control capital. Those interests are, as I see them:—

Employment. The laborer must have a job, furnished him by some one else, for he has not the ability to create one for himself. It must be continuous; for his time is all he has, and every day lost is so much pay gone forever. He, himself, should be the last man to interrupt or cripple his own job; nor should it be subject to interruption by quarrels of other men with other jobs in which he has no concern.

Freedom to work. If employment fails, does not pay, or is unsuitable, it is absolutely vital that the laborer shall be free to seek any other employment or locality without being shut in or out by union walls. It is best for him, as for the community, that labor, like capital, should be liquid, free to flow where most needed; in ample supply everywhere, in stagnation nowhere.

The highest going wages, regularly paid. As "going" wages the world over practically absorb the product of each country, it is idle to attempt to secure more. The only way the laborer can induce, or indeed enable, his employer to pay the highest wages to produce the utmost in return, and make him prosperous. For, though it does not follow that a prosperous business always pays the highest wages, a losing business practically never does. Therefore, up to the point of healthy fatigue, the workman in his own interest should put his heart and back in his work, in fullest accord with the brain that creates and pays for his job; doing his level best to increase output and decrease unit-cost to his employer and to the community.

As labor seldom saves, and figures ahead only from pay-day to pay-day, pay-days must be regular and frequent, and

the work steady. The employer, to be ideal, must be strong and successful; in short, a capitalist as far as possible independent of the troubles of other business concerns.

If these are the interests of labor, they are plainly identical with those of capital and of the community. There will always remain justly to be determined, however, the questions, what are "going wages" and "healthy fatigue."

These are questions of fact and of individual capacity, whose determining factors, in spite of all our contrivances, will probably always be those of supply, demand, and efficiency in open market—namely, of competition: questions whose mastery demands more study than average working people are capable of. Nevertheless, to satisfy "Labor"—which nowadays "wants to know," and would cut loose from simple and sound old methods,—that labor-competition is inevitable, as well as immediately and ultimately just, and yet to mitigate as far as may be, its harshness, "Capital" might well, it seems to me, utilize the fine principle of brotherhood, of strength in union among laboring people; devising for the larger industries, with its greater intelligence, a form of union among employees more logical than present unionism, wage-contracts more just to the individual, and more efficient than present collective bargaining, and last, but not least, a practical method of enforcing such contracts on both sides. For it is useless to make contracts which cannot be enforced. The law will not compel a laborer to work, and neither he nor his union has any property good for damages resulting from his breach of contract. When the pinch comes, the union leaders calmly say they "cannot hold the men" (which is perfectly true), and that is the end of their contracts—mere ropes of sand!

Capital prefers, therefore, to hire from day to day, and take its chances of getting such labor as it wants in the open market. If, now, labor desires that capital shall bind itself by long-term contracts to stay out of the open market, and deal only with particular bodies of laborers, it is not only justice, but common sense, that the latter also shall be bound, and that their side of the contract as well as capital's shall be guaranteed by property.

To accomplish all this, let us suppose that the employer

first, in order to disentangle his concern from the labor troubles of others, himself quits all employers' associations, and proposes to his employees to form a union of their own, not tied to other unions and their wars; offering each man who joins it a written contract providing:—

1. For its termination only on three months' notice from either party, or by common consent.

2. For steady work without strike or lock-out, while trade conditions permit.

3. For the highest efficiency consistent with healthy fatigue, and corresponding highest "going" wages; reasonable maximum scales of efficiency and wages to be proposed by the employer as conditions change from time to time, employees falling below maximum efficiency to draw reduced wages *pro rata* to performance.

4. For the prompt acceptance or rejection, by representative members of the union, of trade conditions, scales of efficiency and maximum wages, working rules, etc., from time to time announced or proposed by the employer; fullest facilities for investigation thereof to be afforded by him.

5. For the creation of a joint guarantee fund equal, say, to five per cent of each employee's wages, to be contributed on pay-days, one half by him and one half by the employer, and placed in trust to accumulate at interest; its sum to be divided between himself and the employer if he quits or is discharged *with* the three months' notice, or by mutual consent; or to be forfeited entire by or to him, if he quits or is discharged *without* the three months' notice, during his first fifteen years' employment. After fifteen years he may at any time either retire, and withdraw the whole as a savings fund, or retire on a pension representing it, upon giving the "three months" notice.

Employees who prefer not to join such a union are not to be forced to do so, or to quit other unions; but to remain without benefits as ordinary employees by the day. Those who join and sign contracts are, of course, free to quit or strike without notice, if they think it worth while to forfeit their half of the guarantee fund. In case of a deadlock between the employer and the union representative, the employer as well as the men, if dissatisfied with existing

scales or conditions, must give notice and wait three months before lock-out or strike, or forfeit the guarantee funds. Individual men preferring not to give notice would, of course, hold their jobs and their guarantee funds.

At the end of the three months' notice, should the deadlock continue, the men would draw their shares of the accumulated guarantee fund, and go their ways, sacrificing their pension-standing, etc. The employer would have to build up a new force. Probably both sides would try the ordinary endurance test, to see which would yield first; the men better financed than usual, and the employer having had three months for finishing work in process and preparing to shut down, with his share of the guarantee fund as a financial anchor to windward. The possibility of strikes would not be abolished, but would, in my judgment, be greatly lessened under this plan. Nothing clears the judgment like financial responsibility.

Such a form of unionism would, it seems to me, promote as well as human contrivance can the common interests of labor and capital, namely, continuous employment, freedom for labor to flow where wanted, high efficiency and high wages under healthy conditions; and would add to the general blessings of industrial peace the special blessings of thrift and insurance. A prominent western actuary recently laid before his employer friends a plan under which the employer's half of such a five per cent guarantee fund would more than suffice, and might be used during the first fifteen years to pay the premiums upon a death, accident, and sickness insurance policy in one of the standard companies, covering (in lieu of employers' liability) the same scale of benefits as are now provided for working men under the admirable German Compulsory Insurance laws. At the end of the fifteen years the accumulations of the employee's half of the fund and interest would suffice to take the place of the insurance policy, which could then be dropped; and thereafter the whole fund would accumulate to provide the same benefits, and a savings fund or retiring pension at the employee's option.

He would, however, sacrifice all the accumulations and the two and a half per cent of his wages, should he break

his contract and quit without notice; or should he, in case of accident or injury, elect to abandon his contract benefits, and hold his employer liable under existing laws—a strong reason for doing neither.

Would the men sign such contracts, offering incomparably greater benefits to themselves and the community than are offered by existing trade-unions, laws, and charities? If we may forecast their probable action from the foregoing statistics, most of them would. It is certain, however, that no union man would do so if the present union leaders could prevent. Prying capital and labor apart with a wedge of class hatred, and inserting themselves between, is now their gainful, conspicuous, and interesting vocation. Permanent, peaceful, and profitable relations between employer and employee would put them out of power. Therefore, when Mr. Taylor, by long experiment, finds ways for men to do vastly more work with less effort, and draw much more pay, Mr. Mitchell promptly repudiates for labor the idea of doing so much for the money. If Mr. Perkins offers Steel Corporation shares to its employees on easy payments, so that they may be directly interested in its success and in the profits from their own toil, Mr. Morrison denounces the offer as bribery, and those who accept it as traitors to their class.

So there you have the issue sharply defined. However sordid the motives of capital, its methods have been enormously beneficial to the race. It has learned that human efficiency means abundance for human needs, and abundance low prices, and low prices larger trade, and larger trade greater profits. With the purely selfish purpose of garnering these profits, capital has for a century produced and supplied to the race, in return for its daily toil, an ever-increasing store of the necessaries and luxuries of life.

On the other hand, labor, equally selfish but less intelligent, everywhere and always fights efficiency, discipline, scientific management; in short, fights every means of increasing output and reducing unit-cost. Everywhere and always, strange as it may seem, labor stands for monopoly, violence, and coercion, and against personal independence. The non-union man has no right to life, liberty, and the pursuit of a job. At the very moment of time when the

world demands of capital the utmost commercial freedom, the widest competition, the greatest energy, the cheapest and best service, labor stands for the exact opposite,—for tyranny, combination in restraint of trade, high cost, inefficiency, and sloth. To sum up, in hauling the heavy load of human existence, it is the admitted principle and purpose of organized labor to balk and not to pull.

A priori, and from the broad experience, personal and national, cited above, the conclusion comes to me irresistibly, that the principle is false, the purpose wrong, and the result inevitable; in fine, that *existing* trade-unionism is of *no* value, to itself or to the community, and must make way for something better.

Cassier's Magazine. 23: 434-40. January, 1903.

Labour Unions: Their Good Features and Their Evil Ones.
Charles W. Eliot.

It is of no use to try to educate the children of a tribe which is nomadic, without settlement, without home. Education, therefore, is a secondary instrumentality, habitual labour coming first. Hence the importance of humane conditions of employment, of humane conditions of the daily labour by which the millions are supported,—the daily labour which forms the groundwork of the civilisation of the people.

And now, what are humane conditions of employment? That is a question on which the experience of university men sheds some light. Naturally enough the conditions of university employment are humane in all civilised nations. Indeed, I believe them to be the most humane in the world. Now I am going to try to state what I think to be the humane conditions of employment, basing my delineation on my own experience of university employment.

The first of these humane conditions I conceive to be a rising wage, that is, a wage which gradually,—it need not be rapidly,—increases with the labourer's increased experience, attainments and age. This condition means for the labourer hope, expectancy, recognition of merit, and gradually in-

creasing reward of merit. It seems to me that this rising wage should be regarded as an essential condition of satisfactory employment.

The second universally desirable condition is steady employment, after adequate probation. I have never seen any hesitation on the part of young men in accepting a reasonable probation, and every intelligent person wants steady work. Yet that method of steady employment after adequate probation can hardly be said to exist in the ordinary industries of the civilised nations. It applies dismissal only for cause,—for plainly visible, indisputable cause. It also implies, on the part of the employer, a perfect readiness to deal justly and fairly with complaints. I believe steady employment to be the sound condition for national human development in all walks of life. It is the steady job which develops fine human character, and, on the other hand, spasmodic employment is a very unfavourable condition for the development of character. It may seem strange to you even to mention such a reasonable opportunity for the development of character as steady work among conditions of employment. We certainly are not accustomed to that view. But is it not, after all, the only rational view of humane conditions of employment?

A third humane condition of employment I hold to be encouragement for the making of a permanent home. That is just what the university conditions of employment encourage. The making of a permanent home means that the home creator has opportunity to form local attachments, to evince public spirit, and to win for himself local reputation among his neighbours. Neighbourhood reputation is the most rewarding kind of reputation. These aids to the development of character and these sources of happiness the normal workman loses completely. Therefore, a wandering, unattached condition for labour is always unhappy and inexpedient, whether we regard the interests of the individual or the interests of society.

Fourth, among humane conditions of employment I put the opportunity to serve generously and proudly the establishment or institution with which the labourer has been connected. That is a high privilege for any human being.

It takes him out of himself, and gives him a happy motive for fidelity and zeal. You observe that this opportunity cannot be had unless employment is steady and the home permanent. This is a satisfaction which all university men win. It is a delightful part of the university man's life, a privilege to be accounted much higher than large salary or any form of luxurious living. It is one of the deep, permanent satisfactions of human life; and I should not call any conditions of employment humane which made that satisfaction unattainable by the humblest labourer.

The fifth right condition of employment is the pension on disability. It gives security and dignity to the labourer; it gives throughout life relief from one great anxiety; it gives also that public consideration which goes with a steady job and self-respecting, though humble or unobserved career.

Now there are five conditions of humane employment, which I believe to be not theoretical or fanciful, but perfectly capable of realisation. But I think we shall have to confess at once that these are not the common conditions of employment in those large industries which require the services of multitudes of comparatively unskilled labourers.

To-day the large services in which these principles are adopted are few in number. I remember hearing an eminent railroad president say, ten years ago, that there was only one rule on which railroad service could be conducted, and that was the rule of instant dismissal. Instant dismissal characterises many employments to day.

Another serious difficulty with American employment is that it is spasmodic. In almost all the large services it is not steady, but spasmodic,—first a rush, and then an absolute stop. Again, in most industries,—not all, I am happy to say,—complaints are not listened to, or, if listened to, are made ground for dismissal. That is profoundly unreasonable as a method of administration, and is an abundant source of bitterness and discontent. Also, there are no pensions except in a few fine services, which are beginning to illustrate the proper conditions of employment. Moreover, wages are fluctuating. Steadiness of wages, however, is an immense object to all wage-earners.

Under such circumstances, then, labour unions have

grown up among us. They have become more and more aggressive, and are likely to extend constantly their fields of operation. Against them are arranged the employers, and sometimes the non-union men. Whose fault is this condition of industrial strife? It is clearly the fault of both parties. But it seems to me that the employers may justly be held more accountable than the employed. On the whole, the situation of the employers is generally more comfortable, their education superior, their intelligence greater. Under these difficulties and with these justifications labour unions have been organised and have struggled with more or less success toward their remote good.

Before I take up the points at which I find labour unions to be ill-advised, let me admit, as all persons must who have studied their history, that the industrial community as a whole is under many obligations to the unions. They have, as a matter of fact, mitigated many evils. They have reduced what used to be the unreasonable number of hours in a day's work. They have improved health conditions in factories and mines, and have procured the legislation which has enforced better health conditions. They have prevented young children from working in factories, and they have emancipated employees in many industries from the company store. Moreover, they hold in check combined capital; and combined capital is, from the democratic point of view, a formidable oligarchy. The labour unions hold that oligarchy in check.

The argument commonly used in justification of the organisations of labourers in unions is a sound one,—capital is effectively combined in certain industries, and, therefore, labourers must effectively combine in those industries. That argument is unanswerable. The great combinations of capital are very formidable to unskilled labourers—much more formidable than to the average man in the community at large, and they are sufficiently formidable to us all. I think, too, that we all believe that the labour union is going to last. The facilities for uniting multitudes of men in one organisation, for communicating on the instant with all branches of the organisation, for bringing masses of men

together for a common purpose, have increased wonderfully even within the last ten years.

In view of this situation it is manifestly important to discuss frankly and publicly any labour union doctrines or practices which seem dangerous to society or hurtful to the men who adopt them. The first evil is the close limit put on the number of apprentices in shops or factories or mines. This seems to me a strange interference with a fundamental democratic doctrine. It was Napoleon who gave it a very compact expression:—"Every career is open to talent." Now that is a fundamental doctrine, one that we all thought everyone of us heartily believed in. The labour union undertakes to close the trade which it represents from young men. It prescribes, for example, to a great printing office, where hundreds of men are employed, that only an insignificant number of apprentices shall be allowed. I have read many constitutions of trades unions and I have never failed to find in them this disposition to limit education for the trade. It seems to be the common labour union doctrine that the youth are to be kept out of the trade. It is the exclusion of the newcomer for the protection of the old hand.

I need not point out how inconsistent this is with all practices in higher education. A group of eminent lawyers, for instance, devote themselves to educating young lawyers. A group of dentists devote themselves, at pecuniary sacrifice, to training as many young dentists as they can get together, with the result that the young men immediately begin to compete in practice with their teachers. All through the higher education runs this conception of using a talent for teaching to increase the number of men well taught. It is the same spirit which makes the physician or surgeon always give to the community any medical or surgical discovery he may have made.

It is the disposition among liberally educated men to provide every facility for entrance to the learned and scientific professions. The spirit of the educated class is to further to the utmost every process of education which admits to the class, while the spirit of the labour union seems to be

the exclusive spirit; it tries to protect the possessor of a trade against the new aspirant.

Another pernicious doctrine held by many unions is the doctrine of limiting the output or day's product of the individual labourer. This doctrine seems to be based upon the opinion that there is a definite amount of demand for the product of any industry, and if that demand is satisfied by a portion of the labourers in that industry there must be another portion who get no work,—who can get no work. If one hundred thousand labourers satisfy the demand when one hundred and fifty thousand are in the trade, the remaining fifty thousand will starve. Generosity teaches that the one hundred thousand labourers should not satisfy that demand, but should work slowly,—say, at two-thirds their natural speed, so that the fifty thousand may have a chance to share the demand. The claim of the union is that the limitation of output has a generous motive,—the motive of permitting those that would otherwise be unemployed to share the fixed demand.

I need not point out that the theory of a fixed demand is in the highest degree improbable; at any rate, it cannot be computed or demonstrated. It is an assumption that it is impossible to prove. But, on the other hand, it is obvious that the effect on the individual labourer of habitually working at a rate below his natural capacity must be thoroughly pernicious. What alert, ambitious man but desires to make his daily output as large as possible, no matter what his calling? What must be the effect on the individual labourer of endeavouring, day after day and year after year, to do less than he might do in the appointed hours of labour? Must it not be degrading? Must it not gradually undermine his own capacity for production? Will he not become, year by year, a feebler and less useful man? The proper ambition for the labourer in any calling is to produce as much as possible, of a quality as high as possible; and no other purpose will foster the development of the best workmen or the best men.

I object, therefore, utterly, to the limited output for the individual, because it fights against the best instincts of the best labourers. It also, of course, diminishes the produc-

tiveness of the entire community, and tends to make the whole community indifferent and ineffective.

A third doctrine of labour unions which seems to me to fight against the true developing principles in human nature is the doctrine of the uniform wage. This uniform wage works in two ways: in the first place, it prevents the capable labourer from earning as much as he might, which is not only a misfortune to him, but a misfortune to society; and secondly, it is cruel to the inferior workman. The labour union establishes a uniform wage at as high a level as it can, and in every trade there will be many workmen who really are incapable of earning that wage; that is, they cannot satisfy the employer in the unionised shop. He finds that he is paying some of his men a wage that they can earn, and others a wage that they cannot earn. How does he protect himself? He gets rid, whenever he can, of the labourer that cannot earn the wage named by the union. The consequence is that the inferior workman cannot earn in a year any adequate wage, since he is often unemployed. This is one of the greatest cruelties of labour unions. The inferior workman, if permitted to work at lower wages, might be steadily employed. He cannot be steadily employed when a wage must be paid to him which he cannot earn.

There is, of course, another aspect of the uniform wage. In times of pressure, which occur frequently in all industries, many men are taken on at the union wage who cannot earn it, and the employer suffers very serious loss in the process. This, however, is a totally different aspect of the same false method. The uniform wage, in short, works badly in all directions. It is a discouragement to the capable workman, it is a cruelty toward the less capable, and from time to time it inflicts great injury on the employer.

I come now to a fourth objection to the labour union,—its teaching in regard to the use of violence during a strike. This is a doctrine which is not always avowed; in fact, one of the most serious objections to the public utterances of labour leaders is that they endeavour to conceal the violence which is actually resorted to. They even deny, in guarded language, that there is violence. In their denial they use

the phrase "overt act," for instance, meaning thereby a public crime, like killing or blowing up a house. Now, what is the fact with regard to the use of violence when unskilled labourers strike? I say unskilled labourers, because the unions of highly skilled labourers have another means of resistance. They can rely, many a time, upon the fact that there is no large supply of labourers skilled in their trade; and they are, therefore, not obliged to resort to violence, or, at least, they may avoid resort to violence. But that is not at all true of the union of unskilled labourers.

To enforce a strike, they really have no other weapon but violence, and they all know it, and their leaders know it. They resort invariably to violence within a few hours, and nearly every considerable strike for the past ten years has been accompanied by violence. The reason for this lamentable fact is that violence is inevitable. Such strikers have no other weapons; I suppose most of us have seen this with our own eyes. When a strike occurs on a street railway, for example, there are always hundreds of men who want to take the places of the men who have struck. There is but one way of preventing them from doing so, namely, by violently making it too dangerous for them.

These are but illustrations of a universal fact. Now, what is the theory on which, in labour unions, violence is justified? It is justified. I heard the theory ingeniously stated at a recent meeting of the Economic Club of Boston, and I think I can give it to you accurately. The labourer who has worked in a factory or shop for years, or even months only, has acquired an equitable right in that factory which is not discharged by the weekly payment of his wages. He has made a part of the reputation of that factory and the reputation of its product. He has created a part of the good-will of that factory. This claim is substantial, and it is not discharged by paying him weekly wages.

He joins his fellows in declaring that for a time they do not propose to continue to work in that factory on the conditions which prevail at the moment. He then sees a man taking his place. Now, that man is possessing himself of

that equitable claim on the factory of the right in equity which the former labourer has acquired, and which he ought not to lose by going on a strike. The incoming man is a thief and a robber, and he can be dealt with as one deals with a burglar in one's house. The scab, or strike breaker, is a burglar, and if ever violence is justified between man and man, violence is justifiable between the union man who has gone on a strike and the scab who takes his place.

The argument is plausible, but has a fatal, weak spot. It claims a right in the factory or business which depends on continuous operation, and also claims the right to discontinue the business or shut up the factory.

This doctrine I believe to be a dangerous one, and one that combats all principles with regard to freedom in labour. I find that the principle that a man has a right to sell his labour at whatever price he chooses to fix is earnestly disputed. Indeed, it is said that no man has a right to sell his labour at any price, without considering the effects of his sale on associated labourers in the same trade or business. The right to earn bread for his family by whatever opportunity which presents itself is denied. He must not earn bread for his family without considering the effects which his taking the price he is willing to accept may have on thousands of other men who are not willing to accept that price. This doctrine cuts deep, and the people have got to consider and reconsider this contest of opinions. It is a serious contest of opinions with regard to personal liberty.

The sort of violence which the labour unions justify is various, and there has been a great development in the variety of violence within the last ten years. The inevitable violence now takes the form, first, of a few serious outrages on persons and on property. It does not take many outrages to alarm a considerable population. Three or four assaults, three or four killings, a few blown-up houses, will terrorise a large community. But these operations need not be numerous, they need not be frequent. The more effective method, when combined with these assaults and outrages, is the method of the boycott.

I have not time to describe the varieties of the boycott. Suffice to say that the boycott, in a community where the

union men are in power, penetrates every nook and corner of society. Every shop, every office, every professional man's employment is assailable, and is assailed. But it does not stop there in a community where the union has a large majority. The police, the courts and the newspapers can all be controlled. They have been repeatedly, and they are to-day, in some localities. You see how much ground that covers,—the police, the courts and the newspapers. The community at large is thus deprived of information and the community on the spot is deprived of the ordinary protection of the courts and the officers of the courts.

One step remains to be taken in communities where the labour unions are in command, namely, the control of the militia. We shall probably see during the next few years strenuous efforts, direct and indirect, on the part of the unions to control the militia. There are two ways of controlling it,—fill the local militia with union men, but legislation may also be resorted to; and, thirdly, the boycott will be effective to this end unless the public learns how to disarm it. The formidableness of the boycott, except in a region where the union men are in a clear minority, is a singular phenomenon in society.

The total number of labourers organised in unions of the United States, for example, cannot possibly be placed higher than 2,000,000. Colonel Wright, head of the United States Labour Bureau, says that he cannot place it higher than 1,700,000. It is, therefore, conceivable that the more numerous non-union men, or the public at large, should learn how to control or defeat the boycott. It needs to be defeated. It is a cruel, cowardly interference with the rights of all the people.

Discussion of evils seems to me seldom expedient, unless it leads to the discussion of remedies. Now, there are certain hopeful prognostications for industrial peace. In the first place, whenever either party to the combat gives a demonstration of unreasonableness and folly, that party promotes the adoption of policies which are more rational, and we had that demonstration to perfection from both sides during the recent five months' American anthracite coal strike.

When we reflect upon it, does it not seem wonderful that at the end of this strife about mining anthracite, which in bitterness exceeded the bitterness of many wars, in which measures were proposed and attempted to be executed which in actual warfare people generally abstain from,—as, for instance, the endeavour of the miners to force out of the mines the engineers who kept the mines free from water, while throughout the Transvaal war, surely a bitter strife and a prolonged one, that operation was never resorted to or even proposed by either party,—isn't it wonderful, I say, that at the end of five months of this extraordinary turmoil, this infliction of perfectly unnecessary losses upon the entire community, and especially on both combatants, we should arrive at a solution which might just as well have been arrived at before the strike began? This is a demonstration, I think, of a gross lack of intelligence in both parties to the strife.

At the end of five months an arbitration commission was appointed,—certainly no better than the two parties could have selected at the beginning. Such irrational conduct on both sides should teach the public that this sort of industrial strife is stupid, and, therefore, to be avoided by more intelligent policies and efforts. It teaches that it is better to confer at the start than to fight first and confer afterwards.

The incorporation of unions is, of course, very desirable, because arbitration between one body which is incorporated and another body which is not incorporated is not perfectly fair. A penalty can be enforced against one and not against the other. But all the labour unions and all the labour leaders, as far as I know, are opposed to incorporation. They dread the action of the courts. They have had many quarrels with the courts, and have often been defeated in them, and they have a natural dread of litigation. The well-kept agreements between incorporated bodies on the one hand and unincorporated labour unions on the other are all the more interesting because they may prove to be the means of gradually bringing about the incorporation of unions when, by experience under these present agreements, the unions learn to trust to a contract. When that trust

has once been created, the unions may cease to fear a contract enforced by the ordinary legal methods.

Lastly, I think there are many signs in important manufactures that labour unions can, by good judgment and good feeling, make themselves a convenience to corporations engaged in industrial work. I have lately had conversations with some large employers of labour who perceive the convenience in large industries of being able to procure the assured delivery at a fixed price of any required number of labourers on a contract covering a year or five years. It is interesting to perceive that the urgencies of great business seem to tend already to methods which have been developed in the course of centuries in old China. The Chinese method is the delivery of any required number of labourers by a company for a fixed price. In some respects there is a curious resemblance between the common Chinese method and the method toward which the labour union tends. The union labourer of the future, once involved by the thousand, may be hardly freer than the Chinese labourer, who is delivered to order by the thousand at an agreed price. All the more important is it that joining the union should be completely voluntary.

The first thing needed in every labour trouble is to learn exactly what the difficulties are, and here it must be confessed that there are obstacles. Both parties to industrial strife as a rule distrust publicity. It is a general fact that corporations wish to conceal their methods of doing business, and that labour unions also wish to conceal their reasons for demanding more pay or less work. Therefore, the meaning of procuring publicity in regard to such matters ought to be diligently sought by the people as a whole.

We have many means of publicity. The local newspaper will not serve us. The great metropolitan newspaper might, the magazines might, legislative commissions might. They do not always, but they might. It is for the people to seek thorough information on all these industrial struggles, and to spread abroad among the people sound notions concerning their causes and their results. Then, I think, we may all hope that we shall find a way through these formidable social dangers.

Century. 67: 298-304. December, 1903.

Daily Walk of the Walking Delegate. Franklin Clarkin.

The First Walking Delegate

In an old "American Federationist" you may read how the first walking delegate came into being. He was James Lynch of New York. He himself tells of learning his trade as carpenter with his father, and of joining a union in 1872. Hard times drifted him West. Seven years later, prosperity returning, he was back in New York, serving on the executive committee of the carpenters, and lobbying at Albany, under pay, for new labor legislation. That was the time when all New York wanted "brownstone fronts." Much of the work was being sublet, or "lumped." Builders would undertake a block of houses seven hundred feet long. They would give the setting of door-frames to one lot of carpenters, and the making of casings to another, which led, Lynch relates, "to special classes of workmen known as 'door-hangers,' etc. These men were outside the union and worked all sorts of hours."

Their offense is not clear: doing piecework, probably, for piece-work means that a worker is paid for what he does. He may be so deft that he can do twice as much as the dull or lazy fellow at his elbow, and earn double the wages; or so ambitious for a stouter pay-envelop at the end of the week that he works as long as he pleases in a day. This ever has been intolerable to unionism, which uses the dawdler to set the pace, so that in the long run more men shall be required, and wages made the same for "those who do well and wisely as for those who do ill and foolishly." I must add that the intention is to take care of the man of less capability.

"In desperation," writes the first walking delegate, "it was decided to pay a representative to keep after these men; so in July, 1883, a walking delegate of carpenters was authorized, and I was appointed."

Neither the carpenters nor the builders welcomed his advent. "I found the position," he abruptly concludes, "anything but pleasant. Although of a peaceful disposition, I

was plunged into continual war. My presence on a job was an irritation to the employer as well as to the non-union men, and not infrequently some of the union men envied me, little knowing the sorrows of my lot."

Sam Parks's Methods

Parks of the Housesmiths' Union, in boastings, testimonies, and interviews, has told of some of the distresses of the present-day walking delegate. Parks has the notion of some practical politicians, that to gain ascendancy among men you must show yourself able to give hard knocks. He early learned to fight, in logging-camps, on the lake boats, along the docks, on the railroads, in construction camps. "I like to fight," he declares. "It is nothing after you've risked your life bridge-riveting at three dollars a day. In organizing men in New York I talked with them at first nice and pleasant, explaining how they could be better off in a union. Bosses began to learn that I was about and pretty busy; and they had men stationed around to 'do' me. But they could not keep me off a job. I sneaked up ladders and elevator-shafts, stole up on beams, waited for the men on cellar doors where they ate dinner. Some did not believe unions would be good for them; and I gave them a belt on the jaw. That changed their minds. Lots of men can't be moved by any other argument."

He could not hold members in the union by the same primitive method. Convinced against their wills, they were impatient for promised benefits. So when his organization was strong enough to "keep scabs off the jobs," Parks compelled contractors, one at a time, to "recognize" and have dealings with the organization he had produced. He made it a point to learn when they were under bonds to complete their undertakings within a certain time. Then, as he says, to keep men contentedly paying dues to his union, he would make a demand for increase of wages. "Contractors would refuse, and I would order out the workers. We would win. This year the scale was fixed at four dollars and a half a day, which is half a dollar more than I promised. We are going to get five dollars, and then we'll stop. Capital has some rights."

Reluctant as they had been to join, members became tolerant of Parks and his union, and now when you marvel how they can put up with a walking delegate like him, convicted of obtaining money by selling out a strike, they answer: "He brought us four dollars and a half a day instead of two, and if he 'soaked' the bosses for his own pocket, why, it doesn't come out of us."

Parks's union was a machine. A membership of three thousand sent scarcely sixty to the meetings, and there was nothing in the constitution which said that a convicted blackmailer should not boss it.

"Nothing in our constitution or by-laws," said a responsible labor leader to me, "prohibits a pickpocket from being a walking delegate or a walking delegate from being a pickpocket. If he is caught picking pockets, it is the business of constables and courts to deal with and punish him—not ours. All we ask is that he shall get us more pay for less work."

The Rule of Personal Caprice

The easiest of all the walking delegate's shortcomings, to illustrate by anecdote, is that arbitrariness, fickleness of preference, enforcement of mere personal caprice, which employers oftenest complain of. Indeed, there is something of his most objectionable principle of rule in nearly every account of his actual doings. This makes it difficult to separate distinctly the faults of the walking delegate from the faults of the union, since he is the approved embodiment of its policy. Seldom is he unable to gain formal sanction for his most self-willed exploits. Witness the recent happening in the cap-factory of R—— Brothers, New York, where this supervisor of union affairs fined a cutter twenty-five dollars for using a knife that was longer than the union permits. "Why punish him so severely?" inquired a man at the next bench. "Shut your mouth," returned the delegate. "As a union man, I am entitled to an answer," insisted the other. At that the delegate petulantly called all the unionists out of the shop until the inquisitive cutter had been dismissed. The manufacturers asked the delegate:

"Why must this man leave our employ?" And he replied: "Because I don't want to see his face again."

Two of the foremost New York architects were troubled for some time to discover why, without any warning, one of their buildings had been "struck." No one seemed to know. "One day," they relate, "a subcontractor came in. 'If you want to settle that strike,' he said, 'I'll tell you how.' 'Go ahead,' we replied. 'Break your contract with Smith, who is to do the painting.' 'But we have no contract with him; we've merely talked with him about taking this job; and, anyway, his part would not come for six months yet.' 'Never mind; it's because a walking delegate heard you had a contract with him that he complained and had all the men quit.' 'What led him to complain?' 'Why, if you really had contracted with that painter it would mean that he would employ a decorator that the walking delegate had a grudge against.'"

The Whitehall Building in Battery Place was nearly completed when the superintendent hired an ordinary union plumber. The walking delegate called a plumbers' strike because the master plumber had not been asked to hire the man. After a week a demand was made for the discharge of the workman so irregularly engaged, and also for "waiting time" for all the men who had struck. The plumber was presently discharged; but the builder hesitated at paying waiting time. Then all the men on the building, of all trades, were ordered out. Weeks of bargaining brought a proposal that the owners of the building should bind themselves and their "heirs and assigns" never to employ in that building any plumbers except through a master plumber! This the owners rejected. Then came another proposition. It was that the owners should purchase all the required marble basins from a certain man at seventy dollars each. To this they agreed, although they could have obtained the same basins elsewhere at fifty dollars. Following this came dickering about other equipment, until the distracted owners determined to put in no basins at all.

Overlapping Jurisdiction

President Gompers of the Federation of Labor has cautioned his subordinates that "the danger which above all

others threatens not only the success but the very existence of the Federation is the question of jurisdiction." Now and then one union absorbs another to do away with conflict, but the walking delegate continues to figure in such incidents as these:

Some electricians, union men, were drilling holes in an iron elevator-frame to affix lighting-wires. Discovered by a walking delegate of the Inside Iron Workers, a complaint was presented that this was not permissible. So, to avoid trouble, the man responsible for the construction said: "All right; let the inside iron-workers do it. What do I care?" The inside iron-workers came; but all they did was to stand about while the electricians completed the task, and the only difference was that two sets of workmen drew pay for the same job.

In Pittsburg a builder, delayed, but at last successful, in finding the proper workmen to remove from the rain some delicate bricks intended for indoor decoration, anxiously began himself to help them. He was interrupted by a walking delegate, and warned that if he did not stop doing such work himself a strike would be ordered on his whole building. "It was," remarked the builder afterward, "as if a farmer, trying to get his hay under shelter from a coming shower, had been informed that if he touched a finger to a rake he would be deprived of all farm-hands for the haying season!"

On a recent Friday a New York builder prepared to lay some cement so that it should solidify by Monday, and as the mason's laborers, who usually do such work, were busy, he got the excavators to help him out. "A walking delegate came along," he relates, "and gave the whistle. All the men went out. It cost me seventy-five dollars to settle." Another contractor wanted to run a temporary pipe on a building so that the plasterers who were at work could get water on each floor. "I told the elevator man to put up the pipe or get the hoisting man to do it. After a while he called me up on the telephone: 'If I do that, the plumbers will go out.' I answered, 'Then for the sake of peace, let the plumbers do it.' Presently I received a message to the effect that if the plumbers did it, the steam-fitters would strike!"

Against Arbitration

Last year's experience having shown that unions could not be trusted to keep agreements, a Rochester packing-house declined to sign a new one unless the unions would execute a bond for faithful observance. There was still in force a contract with the sausage-makers, but next day these men were ordered by the walking delegate not to report for work. That violation of contract strengthened the company in their purpose: they would pay union wages and observe union rules, but they would not sign an instrument which bound only the party of the first part. They put new men in the strikers' place, and presently, as in so many strikes where the sullen, unimproved intelligence of the walking delegate is the directing and obstinate power, and failure means the dissolution of his machine, the butchers' delegate proposed that all the men be taken back, the agreement signed, and then, he promised, "the company would be allowed to discharge them all the following day." The object was to have a victory for the walking delegate announced. He must win, even at the sacrifice of his poor followers.

Agreements to arbitrate are an incentive to disturbance, for the walking delegate has been surprised to find that arbitration does not mean that his side will invariably be favored in the decision. Investigation may reveal that, instead of higher wages, the condition of a business may rather urge a recommendation that wages be reduced. It has ended in that unexpected manner several times. Moreover, the walking delegate becomes somewhat superfluous after it has been agreed that a selected board shall determine the equities between employers and employed.

Of many authenticated records at hand of the calling of strikes in violation of signed engagements, it is necessary to cite but one. C—— & Sons, a firm of pipe-makers of Chicago, dismissed a pipe-cutter because, on command of a walking delegate, he suddenly refused to go on with work he had been doing for more than union wages. They dismissed him because while in their pay he took orders from an outsider. The walking delegate asked that the man be

taken upon the pay-roll again. "We will leave it to arbitrators," conceded the firm.

"To —— with arbitration!" exclaimed the delegate.

"You forget we have a signed agreement with the union to settle disputes that way."

"Agreement be ——! I won't refer this to a committee. It will be settled right now, with me. I'll call your men out at once." He did; and they went.

Above Courts and the Union

T—— Brothers threw a walking delegate out of their Chicago office, with interesting consequences. When ex-Mayor Fagan of Hoboken knocked one down in his mill-yard for "making trouble among men on strike," a suit for three hundred dollars' damages was brought in the criminal court, and Mr. Fagan was required to pay the doctor's bill and the delegate's loss of time—forty-seven dollars altogether. But in the matter of T—— Brothers the union set itself up as court, imposed a "fine" of one hundred and fifty dollars on the firm, and adjudged that they must give bond in another one hundred and fifty dollars, to be deposited with the union, that they would keep the peace. The details are of some importance: the delegate had been thrust through the office door because he was recognized as an anarchist, not as a trade-unionist. He returned, took off his spectacles, bristled for a fight, and was again put out. His companion, who really represented the unions which had to do with that shop, and who was listened to, called a strike, and afterwards got the union to impose the fine and bond.

"We won't pay money," answered one of the partners, "but we will let Gompers decide between us."

The Federation's president advised a note "expressing regret" and "promising to accord the usual privileges and courtesies" thereafter. In precisely his terms the partners wrote a letter, and with a committee of the union signed an agreement as to hours, wages, etc. Scarcely had it been signed before the walking delegate, holding himself superior to his union, repudiated it, and the strike remained in force. He seemed to need to be disciplined, but Gompers said he could not undertake it; so T—— Brothers immediately sum-

moned non-union workers, re-opened the shop, and are now peaceably operating it, with no walking delegate at liberty to enter.

Betrayal of the Workingman

The walking delegate has more methods of selling out workingmen than the social reformer has of insuring them advancement.

It must be known to many persons besides the District Attorney of the County of New York how the construction of the house of a prominent Fifth Avenue club was delayed. Mr. Jerome found that seventeen thousand dollars had to be paid to lift the ban upon its progress. The Brotherhood of Painters and Decorators, which had ordered operations to stop, had no membership in the Building Trades (walking delegates') Council. Five members of that council are supposed to have shared the seventeen thousand dollars; at any rate, the Brotherhood of Painters and Decorators suddenly became entitled to representation, and that central power immediately was persuaded that the erection of the club building should go on.

In the recent trial which resulted in the conviction of Sam Parks of extortion, a Jersey City employer named Plenty testified that he went to Parks's house to see if there was a way to settle his strike. Said Parks:

"Yes, in a business way. That's the way all strikes are settled. What's the size of your contract?"

It was five thousand five hundred dollars, which gave a clue to the proper charge to make, and Parks fixed on two hundred dollars, adding: "I have settled a big thing today, and this is my share," and he pulled out a roll with a five-hundred-dollar gold certificate for a wrapper. In the back room of a saloon Parks was handed a check.

"You do not expect me to put my name on the back of that, do you? Where's the money?"

Cash for the check was obtained "at Lynch's saloon." Parks put twenty-five dollars in one pocket, and one hundred and seventy-five dollars in another, and then called in the delegate whose special beat was Jersey City. Pointing his thumb toward Mr. Plenty, the employer, he commanded:

"Now, you let Plenty alone, and we'll take care of you."

In the building trades it has not been unusual to "take care of" all walking delegates. One of them arrives at a unionized uncompleted structure, and being privileged to enter and consult each man, finds, perhaps, that a plasterer has no card. The delegate looks up the builder, and he, eager to complete his contract on time, proposes that the non-union plasterer be made union. "Initiate him now," he continues; "I'll pay his fee." The builder passes ten dollars to the delegate,—for his courtesy,—and the non-union plasterer is safely unionized, and the fee does not necessarily go to the union. Another builder intercepts the delegate before he has passed among the men, hails him jovially, and takes him around the corner for a drink. "This building is all right," he assures the artless one, slipping a banknote to a ready palm; and the act betokens such a decent sort of employer that the delegate cannot doubt his word.

Of a more downright kind was the Pittsburg tile-manufacturer, secretary of the Builders' Exchange League, of whom a walking delegate requested a private interview.

"You are employing a non-union man," opened the delegate.

The tilemaker hesitated. "Come down to business," said he.

"I've been to some expense to go out to see whether the complaint had any foundation."

"How much expense?"

"Fifty dollars."

"Much as that? Don't you know that you can't get a bribe out of me?"

"There's no bribe about it. That's what you owe the union."

"I intend to go on owing it; but I'll first get a formal statement of account."

It was found that the union had not been consulted; that no report had been made of it; and at a disurbed meetign the delegate was rebuked (but not dismissed).

"I'll fix you for that," he threatened the tilemaker.

"Not if I see you first," was the response.

"Anyway, I'll put you out of business!"

Where the Money Goes

Union by-laws and constitutions do not divulge the walking delegate as he is. His activities, according to these, are such benign ones as finding work for the idle, revealing injustices, pleading with employers to be kind, carrying benefits to the sick, providing decent burial for the dead—in short, to wipe every tear from every eye. What they really are may be discerned in what those who deal with him are willing, in fearless moments, to tell about the things he does in his daily walk, and best perhaps in what the courts reveal.

"What right had you to demand the ten thousand dollars from Colonel Baird and the Brooklyn employers?" Donald Call, walking delegate, was asked on the witness stand. He answered:

"It was to pay for the expenses of the strike in 1894."

"For a strike eight years back?"

"Yes."

"You testified that you first demanded fifty thousand dollars."

"Oh, that was only a bluff."

"Has your union been in the habit of making these collections?"

"Yes; it is done by all unions."

"Now tell me this: What did you men offer in return for this ten thousand dollars?"

"We were going to unionize the employers' shops."

It was brought out subsequently that the money was deposited in shares to the personal accounts of six walking delegates and leaders. It has been disclosed by various actions that to have the power to order strikes or recommend boycotts is a means of easy gain.

Conspiracy With Employers

After unionizing a trade, the walking delegate often enters into negotiations with the contractors, and together they form a coalition for mutual profit. Every one knows that in several parts of the country brickmakers and bricklayers are in close touch. Five months ago an "outside"

firm took a contract for the work on a grain-elevator near South Chicago. When they went to purchase the tiling from members of the brickmakers' combination, none would sell to them. They went to an Indiana tile-works and got what they wanted; but when the tiling arrived in Chicago, and they had men well started on the construction, a walking delegate appeared and told the layers that they must quit, as there was an understanding with the brickmakers' association that labor should not be done for "outsiders."

In New York and Chicago there have been such checking and balancing of greedy knaveries that, unless one admits the mercenary singleness of the interest which nine tenths of unionists sustain toward their organization, the acts would be past understanding. Chicago originated the variety of "trade agreement" which engages unions on one side and combinations of employers on the other to act exclusively to each other's advantage against the employers outside the pool and the workingmen outside the unions, directly in collusion against the public. Labor-capital rings kept unions small and manageable, deprived outsiders of workmen, sometimes drove them by strikes and boycotts and other harassments out of business entirely, which left the combination able to pay increased wages, and perquisites to leaders, because it could conspire to kite prices and thus "take it all out of the customer."

W—— F—— was awarded sixteen sewer construction contracts by the city of Chicago, involving one hundred and ten thousand dollars. Advised that he ought to belong to the Sewer Contractors' Association, which was favored by the walking delegate, he sought admission. The contractors informed him he must first pay one thousand dollars' fine for having presumed to look for business before he had joined the association. He declined to pay the penalty; then a walking delegate gave aid against him by refusing to allow unionists to work for him unless he paid the contractors' fine. Non-union bricklayers being few, F—— had to default on his contracts with the municipality and leave Chicago. Under a re-advertisement for bids, the combination got the contracts, and the city paid a higher price.

Alienation of Public Sympathy

In various parts of the country, misgiving expresses itself about disclosures of the walking delegate's pursuits. Vicksburg compelled one to extend his walk beyond the limits of the town, unretraceably, for inducing a street-car strike and forming negroes into bands with a secret oath, and causing servants to assert that their "society rules" forbade them to begin work before eight or continue after four o'clock. A committee called upon the walking delegate and ordered him to leave town. He appealed to the mayor, and met an uncompromising request that the command to depart be complied with in the interest of order.

Birmingham made a similar demonstration, and at Idaho Springs, after union miners had dynamited Sun and Moon mine buildings, the Citizens' Alliance expelled fourteen unionists from the community. At Cripple Creek workingmen themselves served notice upon the walking delegates who had come down from Montana to unionize the mines that they must "quit the camp," and the union's president was put in jail for carrying concealed weapons. Injury already had been done to the town: twenty-five thousand dollars a day had been withdrawn from circulation; credit was stopped at the stores; prices were cut; leases were canceled; and an idle winter lay ahead—all for a sympathetic strike demanded by the walking delegates from another mining region. It is considered more effective to have the walking delegate a stranger to the field of his proposed operations, perhaps on the principle of Cartouche, who had more success where he was still a romance than in places where the people had had experience of him that was without glamor.

Change in Name

After twenty years the walking delegate has come to his apotheosis—and to judgment. He was lifted to one by the desire of unionists to get money, no matter by what means; and pressed to the other by his folly and his fault—his pleasure in authority, his impatient vanity, his uneasy contemplation of the "grafting" of the time. Pure devotion to

labor as a cause he rarely had, and he betrayed his union at last for a few extra pieces of silver. His name became a byword and reproach, and now unions everywhere are hurriedly substituting the term "business agent."

That this is more than a change in name alone there is little to show. The business agent, like the walking delegate, quiets complaint by saying, "Well, I raised your wages," and keeps his place by the methods of machine politics. The ordinary workmen seldom attend union elections, as the general run of voters do not go to primaries. The keys of the safety-vaults are in the business agent's pocket; strikes are on or off at his bidding. To lay hand upon him is offense so high that only the union—not the established courts—can fix the penalty. To stand in with him, as the saying goes, is to insure that your business shall proceed without forfeiture of engagements. There is of course added expense in bribes, and miserable sacrifices of self-respect and right standards.

Employers have not yet gone so far as to insist on eliminating him; they have only here and there restricted his functions.

The Boston building trades showed what could be done along that line by negotiating an agreement determining that the business agent and walking delegate should not be privileged to visit any works in business hours except to interview the steward; that he must not issue orders controlling the operations of workmen, nor attempt to proselyte on the employer's premises. "Failure on the part of any business agent to observe this rule shall make him liable to discipline, after investigation by the [employers' and unions'] joint committee."

Whether he and his labor machine will abide by such an agreement, or the decisions of the joint committee, remains to be shown. Twenty-two similar bargains were broken in Chicago alone last summer. Discipline from the executives of parent bodies, like a federation or an international association, would be more effective than discipline by a joint committee, but it is not to be counted on except when, in some notorious instance, an alienated public withdraws sympathy and leaves unionism to search its heart

alone. Even then the parent federation, after the manner of the structural iron-workers at Kansas City, may disavow the action of its own president in rescinding a charter, and by seating the representatives of the "local" so punished, reërect it in honorable standing. In that event, the possibility of discipline reverts to the local's members. But, like the citizen electorate, these are too disposed to stay at home and let the machine run itself—and them.

Craftsman. 13: 375-84. January, 1908.

Guild Stamp and the Union Label. Gustav Stickley.

The guild idea, that is, the spirit of association uniting individuals for common profit as well as preservation, is as old as civilization, and has flourished among peoples differing widely from one another and at periods separated by hundreds and even thousands of years, but unquestionably it reached its highest expression in the trades guilds of mediæval Europe, those great organizations which crushed the power of feudalism, established free communication throughout Europe, made possible a form of government established upon a sound and lasting basis, ruled all the operations of finance and fixed a standard for work, for art and for literature that has made the thirteenth and fourteenth centuries famous for all time. And all the power and influence of the trades guilds resulted from the fact that the success of their united action depended solely upon the honesty of individual effort. A rigid industrial system that was the law and life of the guild governed both the training of each individual workman and the quality of the goods produced, and the effect of this was to develop such skill in hand and brain that the workman could take honest pride in what he made, and could feel that he as an individual had achieved something that would add to rather than lower the reputation of the guild. In short, instead of being a cog in a vast system of industrial machinery, the workman was accustomed to regard himself as legitimate heir to a part of the business of the nation.

There is no more interesting tale in all history than the story of the Greater Guilds, which were little republics within themselves, living under the strictest laws and enjoying an influence so extensive that the wonderful commercial prosperity, the artistic and industrial supremacy and the intellectual acumen of the mediæval Florentines, for example, may be regarded as the outcome of the guild system. As each guild was an independent, self-ruling institution, its members naturally took a continuous and eager share in political life and obtained, as a consequence of such varied political and economic training, a grasp of large matters that made them as adroit in diplomacy and parliamentary practice as they were accurate in business methods, so that on the occasion of upheavals in the existing form of government, which frequently took place in the Italian cities, they were able at once to step forward and meet the emergency with well-advised and adequate provisional government until the crisis was passed.

It would take a volume to tell of the honors and achievements of the guilds, but only one sentence to show the foundation of them all, which was—efficient workmanship, thorough honesty, the perfection of system and personal pride in the reputation of the organization. These old merchants and craftsmen made a religion of industry, and it was the object of the guild not only to maintain and extend its power as an organization, but to benefit each member in his individual capacity, providing him with work, profit and pleasure, but always with the understanding that his work and his moral character were to be subjected to rigid scrutiny and that any one falling short of the standards of the guild must submit to severe punishment. The great power of the guilds lay as much in their close connection with the conduct and details of every-day life as in their relation to national or continental enterprises. They were no mere formal organizations for purposes which began and ended with commerce and industry. To borrow some vivid words of description: "Their members sat together at the feast, stood by one another's honor in the mart, lived in the same quarter, shared the same purchase, marched side by side in the pageant, acted together in the play and fought together

on the part of the city walls committed to their care. The merchant lived in his warehouse, which was also his factory as well as his shop, the apprentice sat at his master's table for seven years, somewhat after the manner of an adopted son, and on attaining the membership of the guild he gained a recognized and honorable position in the land."

That this last was so was due to the high standard of the guild. When the guild stamp was put upon any piece of work it was accepted without question in all markets as a guarantee against any falsification of material or any flaw in workmanship. To quote from the history of the Calimala, or the guild of Florentine cloth dressers: "The statutes for the good of the guild, enforced by so many magistrates, prescribed hard and fast rules for the exercise of trade. Very severe punishments were inflicted when the merchandise was of inferior quality, defective or counterfeit. Every piece was labeled, and any stain or rent not recorded by this label entailed the punishment of the merchant concerned. Above all, there was great strictness as to accuracy of measure. Every guild had a tribunal composed either solely of its members or jointly with those of another for the settlement of all disputes connected with the trade, and enforced severe penalties on all who referred such disputes to the ordinary courts of justice. The punishments were usually fines, and persons refusing to pay them, after receiving several warnings, were excluded from the guild and practically ruined, for from that moment their merchandise, being unstamped, was no longer guaranteed by the association, and they themselves were unable to continue their work in Florence, and often were debarred elsewhere."

This was the significance of the guild stamp, which being affixed meant that the goods reached the standard established by the guild, and had the whole power of its reputation behind them. In these days we have the union label, and the difference between it and the guild stamp symbolizes the whole change in standards. Everybody is familiar with the efforts of the unions to force the use of the label through appeals to the public to patronize union-made goods to the exclusion of all other, and also through threats of boycotts, strikes and every form of warfare known to those who con-

trol the campaigns of union labor against the manufacturer or dealer who refuses to recognize the label.

Remembering the significance of the guild stamp, the question naturally arises: What does the union label stand for? It is a shop mark to indicate a standard of excellence of which the manufacturer is proud and which serves to advertise the fact that his goods are of a quality that he is willing to acknowledge and to guarantee, or is it simply an indication that men who have banded themselves together for the purpose of monopolizing the production of that particular article have been successful in forcing some manufacturer to come to their terms? In the present day, of course, we have no guild stamp to serve as a general standard and guarantee, but when a manufacturer makes honest goods, he generally wants the consumer to know it, and his label or shop mark is as important to him as a means of identification as the guild stamp was to the guildsmen of centuries ago. It is also to be noted that shoddy goods are seldom identified in this way, for if the goods do not come up to the standard demanded by the consumer the label would only have the effect of identifying them to the detriment of their sales. But in the case of the union label there can be no possible significance as a mark of excellence in quality. That is a matter entirely beyond the control of the workman or of the union to which he belongs. The label of a manufacturer is, in a sense, a personal guarantee of quality. It means a certain grade of material, a certain style in the make of the article, and may, in some cases, be worth millions to the man who owns it. It is the direct descendant of the old guild stamp, while the union label has nothing to do with the standard of the goods produced and, save for the fact that it guarantees the exclusion of sweat-shop goods, it carries no meaning to the consumer beyond a reminder that an organization of workmen is using every means to enforce the recognition of the union shop, there being not one iota of difference in quality between goods that bear the union label and those that do not. The manufacturer having entire authority as to designs, materials, quality of goods and the apportionment of tasks to the workmen in making these goods, it follows that the purpose

of the union label is purely coercive, and that its sole value to either workman or consumer lies in the recognition of the union that is implied by its use and the revenue derived by the union from the sale of it to the manufacturer.

If the trade union of today is ever to return to the standards of the mediæval guilds and to attain to the power which resulted from the strict and honest maintenance of these standards, it must abandon its policy of attempting to secure monopoly prices, of unfair methods of keeping down membership and of intimidation and violence toward non-union men, and return to the principle that no organization can be organic and constructive in its nature unless it be founded upon the principle of efficiency,—upon honest individual effort, out of which effective united effort naturally grows. To do this would, of course, demand a thorough reorganization of our whole industrial system. The high standards of the old guilds were possible because the guilds themselves were not organizations of workmen arrayed against employers, or organizations of employers excluding the workmen, but bodies which included every member of the trade or craft, from the wealthiest master craftsman or merchant down to the humblest apprentice whose indentures had just been signed. All alike were responsible for the honor of the guild, and the *esprit de corps* that resulted from the personal contact of the master and workmen and the freedom and encouragement given to all individual effort made vital and natural the growth of the whole organization.

Yet, false as are the standards which actuate most of the efforts on the part of modern labor organizations to control the industrial situation; they are by no means all to blame for the meaninglessness of the union label and the fact that it has nothing behind it worth fighting for. If a standard of efficiency in which the unions have a share is to be established in manufactures, it must be one in which the men as individuals are interested, which they take a personal pride in maintaining and for which they receive a just proportion of the reward. The effect upon the men of the present system, by which they are able through certain coercive measures on the part of the union to obtain shorter

hours and higher wages in return for careless and incompetent service, cannot be otherwise than harmful. It shelters the lazy and inefficient workman and it denies to the ambitious and skilful man his right to advance to the position which naturally belongs to him. Consequently, the great weakness of the labor union of today is that it tends to drag all its members down to the level of the slowest and the stupidest. While they belong to the union there can be no acknowledgment or higher payment for the production of superior goods for which there is a legitimate demand and which are worth more money than the inferior product of less skilled workmen; in fact, their work as individuals has nothing to do with the price or standard of the product. The business of each man is to run his machine, get through his day's work, draw his pay and stand by his union. He can have no possible interest in the thing made. When matters are shaped so that the individual workman may find some scope for the expression of his own ideas,—for the use of his knowledge and experience in opportunities given to study the need for which the article is produced and to share with his employer the responsibility of its design and its quality, it will be time to talk of returning to the standards of the old guilds and also of enforcing the use of the union label on goods made by union men. But the only way to gain energy, honesty and intelligence from the workman is to make it worth his while to exercise them. Under the present system he is little more than a part of the machinery of the factory he works in. There is absolutely no reason why he should feel any interest in his work beyond the daily wage he earns for performing the monotonous task set for him. It is a universal law that work is not alone a means to keep body and soul together, but also a means of growth through self-expression,—a means by which individual capacity and industry gain individual recognition and bring an adequate return, and if the opportunity for growth is denied, the work is hardly worth the doing.

If such reorganization were possible, and employers and employees would realize that their best can be done only when they work together toward a common end, the labor

unions might hope to provide themselves with the "real leaders" spoken of by Dr. Butler, and, founded on the solid basis of efficient work, to grow healthily along the lines of personal development and of sound citizenship. This is a question that affects not only the workingmen, but the whole of our natural life, for our workmen are our citizens, and under the present system our workmen are becoming less and less efficient. When a man depends not on his own efforts but on the efforts of some one else, that is, on the power or influence of his union to do for him what he is too indifferent or too inefficient to do for himself, he is sinking in the scale as a man and a worker and is losing all the power of individual achievement which might be his were he allowed to depend upon himself.

As it stands now, the whole policy of the labor union seems to be tending toward disintegration. The walking delegate is supreme, and the walking delegate is the natural prey of the great money powers. Many an honest, capable workman is sent unwillingly out on strike, not because there is any real grievance to be fought, but because the vanity and cupidity of the labor leaders have been used to further the ends of some unscrupulous captain of industry who wishes to overwhelm his competitors or to shut down for a time upon his own expenses. Even when this is not the case, the rule of passion and prejudice in the persons of glib-tongued demagogues is often responsible for widespread disaster that comes to working people as the result of their loyalty to the union.

As a nation we are now using every possible effort to destroy or reorganize the trusts and start afresh upon a sounder basis. It would be easier and perhaps better in the long run to destroy or reorganize the labor unions, for the trusts, whatever industrial evils have arisen from their unchecked growth, are organized on principles that are essentially constructive. They unquestionably are created to serve individual greed, but they are also the greatest expressions of individual efficiency. Whatever the captain of industry may or may not be, there is no question as to the efficiency of his method of doing the work that he has set himself to do, or of his interest in the performance of it.

With the standards which now form the basis of its action, the labor union can oppose to cool generalship only brute force; to well calculated and sound business principles and methods only prejudice and feeling. If efficiency could be made the warrant of advancement for each individual, and honest conviction the basis of united action, as in the days of the mediæval guilds, there is no question but what the organizations of workers could rank among the most important powers in the land. History teaches us no more significant lesson than that the rulers of a nation, when they become weak or unworthy, are always replaced from the ranks of the workers. It is a fundamental law of progress that no development is possible save through interest in work, and the problems that come up concerning it, and that the man who wrestles most vigorously with these problems is the man who is best able to grapple with great things.

If labor would follow the example of capital and combine for greater efficiency, it would be more in accord with the old American spirit that made this country what it is: the spirit of independence, of self-confidence and of ambition to rise in life by force of ability, intelligence and honesty. The labor unions have relaxed the moral fiber of their members even while striving honestly to benefit them. The union man is provided with easy work, good pay and short hours when well, and is sure of some help from his organization should he fall ill, but as a penalty he is restricted to the level of the weakest member of his union, and can never hope to rise by excellence of workmanship or the use of his brain to a leading position or to the acquiring of a competence by superior industry or frugality.

As the matter stands now, the principles and policies of the unions are directly opposed to intelligence, independence, industry and ambition on the part of their members. In place of encouraging these, the union as a body endeavors to coerce and to overreach, to gain every advantage and to give as little as possible, to produce class hatred and antagonism between employer and employee, instead of acknowledging that capital and labor are mutually interdependent, and that a single standard for both would go far to remove the antagonism that now exists between them.

Independent. 53: 2128-30. September 3, 1901.

Wherein They Fail.

Labor organizations have always been subjected to a hot fire of criticism. Not only employers, but also the literary and professional classes, including the writers for newspapers, have ever been ready to expose any tyranny or foolishness of which trade unions have been guilty. Nevertheless, by the year 1895, the unions, after protracted fighting, had succeeded in living down a great deal of popular prejudice, and in winning influential support from disinterested and intelligent onlookers. One had only to compare the attitude of the public seven or eight years since toward organized labor in general with that of England of a generation ago, as brilliantly portrayed by Charles Reade in "Put Yourself in His Place," to realize that, notwithstanding much remaining hostility, trade unionism was no longer hated with the bitter hatred of earlier days.

It is quite unnecessary now to insist that the more thoughtful and dispassionate observers of social tendencies had come not only to look tolerantly upon the organization of labor but also to see in it elements of positive good, that seemed to be indispensable to a safe and normal development of democratic institutions. No one class in any society can enjoy unlimited power without becoming overbearing and bringing the traditions of republican equality and simplicity to naught. Under modern conditions the employing classes in England and America, commanding as they do fabulous amounts of capital, and understanding as they do the methods of efficient business organization, would soon become intolerably arrogant, and would convert republican institutions into a mockery, if, from time to time, they were not confronted with organized resistance.

It is, therefore, a matter for sincere regret that for five years past the great labor organizations of this country and of England have so often behaved with an almost incredible foolishness. They have once more started a strong reaction of public opinion against themselves, and in certain instances they have even awakened in some degree the old spirit of bigotry and bitterness. There never was a time

when a strong and efficient organization of labor and a wise policy on the part of its leaders was more needed than now; and yet, at the critical moment, the leaders are making blunders that are almost crimes and for which they can hardly be forgiven. By the great strike of 1897 the English iron and steel workers knocked England's industrial primacy in the head. They precipitated a disaster which will never be retrieved while civilization endures. By what looks like a deliberate breach of contract the Amalgamated Iron and Steel Workers of this country have now given to the most powerful combination of capitalistic interests in the world an opportunity to develop and to make use of arbitrary power which the most wise and patient democratic endeavor may not be able to curb for years to come.

There are three distinct ways in which organized labor miserably fails, to the keen disappointment of its best friends and well wishers.

In the first place, it attempts to extend the principle of unionism by coercion. The temptation undoubtedly is great. The men who have struggled to build up a union cannot be expected to feel kindly toward men who, as the trade unionist looks at the matter, are ready to profit by any gains which trade unionism has conquered for the wage-earning classes, but who are unwilling to do their share toward supporting the unionist movement. Frail human nature is not to be blamed overmuch when men who feel bitterly resort to force to compel those whom they regard as disloyal, or hostile, to act with the majority, or even at times with the minority, for what is believed to be the common welfare. Nevertheless, the policy of coercing non-union men has always been and always will be absolutely fatal to the trade-union cause. By its very nature the organization of labor can be effected and maintained only by intelligence and reasonableness. It makes no real gains except as it convinces workingmen themselves and the general public that it is both expedient and just. The American people will never extend their hearty sympathy and co-operation to any movement that attempts to accomplish by violence what can be satisfactorily accomplished only by education.

So long as the labor leaders counsel a coercive policy they kick against the pricks, and irreparably injure their cause.

In the second place, it seems to be well established that, in recent years at least, the labor unions have been indifferent, or worse than indifferent, to the binding force of their agreements. From every part of the country we hear complaints from employers who, on the whole, have been friendly to the trade union principle that there is no longer any use in making agreements or contracts with a labor organization because the leaders of the organization have lost or thrown overboard all sense of business honor, and make their promises in the deliberate expectation of breaking them. Where there is so much smoke there undoubtedly is some fire, and it is a deplorable thing that the unions have by any conduct, whether deliberately dishonorable or merely negligent, brought upon themselves such fatal criticism. Whether merited or not, this criticism is sure to operate with deadly effect, and to turn into hostile opponents many influential men who would gladly support the trade union principle if they could do so without seeming to countenance dishonor.

The third way in which the labor organizations fail is in their attitude toward the amount and quality of work done by trade union members. In the days of medieval guilds every workman felt an intense pride in the quality of his work. Unskillful or dishonest workmanship would have subjected him not only to the wrath of his employer, but also to the contempt of his fellow craftsman. We hate to say it, but, so far as our observation has extended—and it has extended over a pretty wide field—the spirit of the old craft guild has entirely disappeared from the modern trade union. Not only does the bricklayer, the carpenter or the plumber who belongs to the union fear to work a moment overtime, or to work too fast, lest he incur the disfavor of the labor leaders, but he even fears to do work that shall be thoroughly good of its kind lest he incur the criticism of men who believe that it is the duty of loyal trade unionists to "make work" for one another. Bad work has to be done over. Therefore the bad workman befriends his fellow unionist!

That this simple logic as it lies in the minds of many workmen is more a matter of ignorance than of immorality we are willing to believe. But in either case it is disastrous in the long run to the trade union cause. There is no one thing which the trade unions could do which would more certainly make them popular with mankind in general than the adoption of a policy of first-class workmanship under all circumstances. When the employment of a trade-unionist carpenter, mason or plumber means the certainty of thorough and honest workmanship the trade unions will have little cause to complain of an unfriendly public, if in other respects also they deal fairly and honorably.

Journal of Political Economy. 14: 129-42. March, 1906.

Unions versus Higher Wages. J. Laurence Laughlin.

This case is now on trial before the tribunal of the industrial world. It promises to be a *cause celèbre.* The decision in this matter is of vital importance to millions of people, and untold millions of dollars are at stake. There have been many advocates pleading before this court who have told but one side of the question. In a plain and simple way, as a friend of those who wish higher wages, I ask to be permitted to make a plea for the defendant. I wish to have this chance to present the economic argument in favor of higher wages. It seems to me that the plaintiffs in this case now on trial—the labor unions—have not rendered full justice. I ask judgment for higher wages.

In the past the unions have presented the grounds of their actions; and they report they have had many difficulties in raising, and sometimes even in keeping up, wages. The position of the unions should be carefully examined, because—as we are pleading the cause of higher wages—it should be ascertained whether the union policy has been one which is likely to result in higher wages. Because of errors on the part of the unions, because of a misunderstanding of the causes regulating wages, the unions, while seeming to be working in favor of the workingmen, have been acting against the real interests of the laborers, and against

the future improvement of their standard of living. I shall try to enumerate briefly the things which have been wrongly managed:

1. The unions have stimulated, rather than attempted to remove, the antagonistic class-feeling between the employer and the employee. The antagonism has not always existed. In earlier decades of our history the antagonism between the employing and the laboring class was far less in evidence. With the great increase of wealth, with the consequent envy excited by its proud display, with the growth of large cities, and especially with the influx of foreign immigrants steeped in the socialistic tenets of Europe, there has come a pronounced change. The talk of arraying the masses against the plutocrats is now frequently bandied about.

In the earlier days the gap between the ordinary workmen and the employer was inappreciable; and comparisons between their possessions were not suggestive of ill-feeling. About 1840, daughters of self-respecting Americans worked in the cotton mills of New England; and yet the wages were small as compared with those now earned by workers many grades lower in intelligence. In fifty years the actual money wages have doubled; the money buys more of goods lowered in price; and at the same time the hours of labor have fallen from fourteen to sixteen per day to eight or ten. These gains, moreover, were obtained before the activity of labor unions, and must be attributed directly to the increased productivity of industry, which, by increasing the efficiency of labor and capital, increased the quantity and value of the output, and thus allowed the capital its old remuneration, while adding largely to the wages of labor. The standard of living among workmen is higher than it has ever been, higher than it is among most competing nations.

2. The unions have encouraged the theory of a right to ownership in the product made by labor, capital, and management. So long as great fortunes are accumulated in the United States, the fact itself is taken as a proof that labor is not receiving its due share of the results of production, without any real attention to the economic principles regulating the payments to capital and the other factors of production. It is believed that additions to the wages of labor

can be exacted as long as any large profits are taken out of a business by the owners. The rank and file of the laboring class fully believe that there is no economic reason why the wages, for instance, of a plumber, now receiving $4 a day, should not be increased to $10, or even to $50 a day. As a consequence of this widely accepted belief, when by strikes and pressure the employers are led to give an increase of wages, it must not be supposed that this rise will produce satisfaction and peace. Far from it; the grant of the increase is regarded as evidence that more will be disgorged of what belongs by rights to labor, if only pressure enough is applied to the employers. Give an inch, and very soon an ell will be demanded. The theoretical basis, therefore, of much of the agitation for higher wages is to be found in the belief that large fortunes are necessarily accumulated at the expense of the laboring class, without regard to the other necessary elements in production. And this point of view explains clearly why there is such eagerness in certain quarters to legislate against large fortunes.

3. The unions feed their members chiefly on socialistic and un-American literature. In the main, the literature of socialism and unionism is indistinguishable. Of course, many unionists are not socialists; but the literature actually read, if at all, by the unions, is the inheritance of Marxianism, a brew of all the different theories of European radicals, assuming specific form or expression according to the individuality and eccentricity of the prophets of the "new order." From this source is derived the common belief that it is labor which has created the value in the product of industry. There is no denying the widespread diffusion of this idea; and it inspires the unions to make practical demands based upon this theory. In the Homestead strike, some years ago, a very emphatic claim was made by the laborers to ownership in the establishment. Such points of view may be visionary, but their enforcement by unions in specific acts makes up a part of the practical situation which employers have to face.

4. They have approved the mistaken policy of "making work." There is no doubt whatever that restriction of the output—or "making work"—is widely prevalent; and yet its

existence is frequently denied by the unions. The basis of this policy seems to be found in the history of its origin given by labor leaders. It is claimed that the employers, wishing to get the maximum work out of the laborers, introduced an unusually swift workman, called a pace-maker, whose results must be equaled by all other workmen. Or, if piece-work were introduced, when very active men began to earn high daily wages, the price paid per piece was reduced, so that ordinary effort earned very low wages. To meet this policy of grasping employers, it is said that the unions found the limitation of output to be necessary. This explanation, however, is disingenious. With most laborers there is a belief that work, or employment, is limited, and if a particular job can be prolonged, they get so much more out of the employer; that such acts are ruinous to the efficiency of production, raise the prices of products, and prevent employers from getting contracts and offering future employment, seems beyond the vision of many unions. As a rule, they demand all they can get, by dint of threats and force, and leave it to the employer to overcome the increased cost as best he may.

5. Finally, the unions have wrongly based their whole course of action on the principle of a monopoly of the supply of laborers in a given occupation. A monopoly is obviously effective in regulating the price of anything only if the monopoly is fairly complete; it must control the whole supply. Moreover, there must be a demand sufficient to take off all the existing supply, or the price is likely to fall. Thus, there must not only be an active demand for labor from employers, but, in order to regulate the price, the unions must control all of the labor then available. This, in brief, is the real stumbling-block of unionism in America. In fact, the unions include only about 7 per cent. of the total body of laborers. This result is true in spite of the proclaimed intention to include in a union each worker of some occupation, and then to federate all the unions. In some one locality, however, it is possible that all of a certain employment may be included in the membership.

In view of these facts, the theory of a monopoly effective on the whole supply, fails, and becomes a theory of an

artificial and only partial monopoly, working to establish a price above that which will insure the employment of the whole supply of competing laborers. This situation, consequently, means always and inevitably the existence of non-union men, against whom the unions must constantly wage war. Under this system, high wages for some within a union can be maintained only by the sacrifice of others without the union. In short, the union scale of wages can be kept only by driving all other competitors from the field. The monopoly is only artificial, not real.

It will be objected by union leaders that it is their policy to gather every laborer into the union, and thus eventually control all the supply in an invincible monopoly. The unions, however, although the practice varies, do not admit all comers. But, if all laborers were unionists, the situations would be the same, as regards supply, as if there were no unions. In that case, could the unions maintain the "union scale" of wages? Not if the union scale is above the market rate. If the whole supply of laborers is thus introduced into the field of employment, then the rate of wages for all in any one occupation can never be more than that rate which will warrant the employment of all—that is, the market rate. Also wholly aside from the influence of demand, in order to control the rate of wages, the unions which include all laborers must effectually control, not only immigration, but also the birth-rate. The impossibility of such a control everyone knows. Hence there is little hope for permanently higher wages by this method of action.

6. The outcome of such an attitude has been a series of acts of violence which have shocked the civilized world.

Inasmuch as the unions, particularly those composed of the unskilled classes, contain only a fraction of the available labor force, the existence of a large body of non-union men is a rock of offense standing in the way of the demands for a rate of wages, above that market price at which all of the supply would be employed. Hence a passionate hatred of the non-union man, or "scab," who is charged with being a traitor to his class, if he accepts less than the union scale. Although possessing only a partial monopoly, the unions act as if they had a complete monopoly of the labor

supply; and, in spite of certain failure, they have created a code of ethics which justifies any act, whether illegal or unjust, which helps to maintain the artificial monopoly. The whole point of the union demand is admittedly that the "union scale" is above the market rate fixed by open competition. Obviously the union rate can be maintained only by limiting the supply of labor to members of the union and by driving out the non-union competitors. Consequently, the inevitable outcome of the present policy of many labor organizations is lawlessness, and an array of power against the state. Having only an artificial monopoly of labor, their purposes can be successfully carried out only by force and intimidation.

An account of the brutal war carried on between union and non-union men would form very unhappy chapters in the life of our people. It calls forth the lowest passions of men who have not yet found the way to any moral growth; and, worst of all, it seems to befog the ethical vision of those who have had full opportunity for knowing what is right and wrong, and what is good and bad for the state. The great mass of the laboring body are honest and law-abiding; the responsibility for the erroneous policy and its criminal consequences must be placed on their leaders, and on some economic advisers who have more heart than brains. The crux of the whole matter is in the incomplete control of the supply of labor by the unions.

It is an indisputable fact today that, if law and order were enforced, if an employer were allowed without hindrance to hire any man he chose, if these men could go peacefully to work and be unmolested in the streets, if their families were not boycotted, a strike would almost never succeed. This is due to two things: (1) the large supply of competing labor; and (2) the fact that the very general introduction of machinery into all industries has reduced the necessity of having especially skilled men in as many processes as before. "A non-union contractor, with his lower wages and imported labor, would soon drive the union contractor out of business." "The non-unionist is always the danger to the wage scale." There is no doubt upon this point. It is therefore sheer stupidity to keep on trying to

force the adoption of the union scale with no control over the whole supply of labor. It is not the fault of the non-union man that he must accommodate himself to the market conditions of labor. He is a human being; and he has rights as well as union men. Moreover, non-union men can soon better the output of union men who restrict product. In certain shops in Chicago making printing-presses, heavy conveying machinery, sewing-machines, machine tools, steam valves, mill and mining machinery, and the like, a strike threw out of employment some 1,500 of presumably skilled workers. Almost immediately the shops were filled with new men, few of whom had ever done this kind of work. Within three months, with the same hours per day, the green hands equaled or exceeded the output of those who had had years of experience. In fact, the potential adaptability and ingenuity of the great body of American laborers must always be taken into account, as well as the fact of the whole supply.

In short, the unions act as if an increase in the rate of wages could be determined by demands upon the employers, when in reality it is prevented by the actual facts of the supply of labor. Under these conditions the necessity of intimidating non-union men, of catching employers at a critical emergency when refusal is well-nigh impossible on any grounds, has become a fine art.

7. Finally, as a result of an erroneous theory of unions, there has grown up a body of unwise and brutal leaders, demanded by the futile policy of an indefensible monopoly. Wrong-headed leaders are the inevitable consequence of a wrongly devised theory of unionism.

There has thus been created a situation out of which has arisen a dangerous class of labor leaders. It is not claimed that all leaders are of this kind—far from it. But the situation—wrong and artificial though it is—demands a leader who will not stop at anything to gain his point. "Peaceful picketing" has become only a synonym for threats of violence. For a long time it has been believed that unions employed professional thugs to intimidate "scabs" and employers; but recently this has been carried on openly. The funds have been appropriated under the head of "educational

methods." In fact, picketing, boycotts, breaking heads, even murder, have been resorted to, to carry out the demands of the union, based on a theory that is economically indefensible. "I do not consider anything," says C. P. Shea, president of the International Brotherhood of Teamsters, "a violation of an agreement that is done to uphold the principles of trades-unionism." He represents the worst type of labor leader.

It is a sad outlook for the honest majority of the laboring class. They are not to blame. Untrained in economic analysis, they necessarily trust themselves to the policy set by their leaders. Among these there are many notable exceptions—men of character and force; but, on the other hand, there are some dishonorable, unscrupulous, lecherous and pig-headed men, who would be a disgrace to any penal colony. Corrupt leaders of this sort threaten employers with strikes and obtain "blackmail" which is appropriated for their personal use and indulgence. The ignorance, lack of business habits, and helplessness of the laboring classes has been seized upon by clever and designing men as a means of fattening their own purses, and getting the resources for the indulgence of their lowest vices. Leaders of this sort, who would never be trusted with a dollar in business life, find themselves in possession of tremendous power over the prosperity of great industrial concerns, over the convenience of the public, and over the very security of women and children in the highways and busy streets of the community. They will even embezzle the union funds—contributed painfully in small sums by the men who toil—and join in schemes for looting other union treasuries, by calling strikes. Unscrupulous employers have not been slow to see how to use such men for their own interest; and a group of employers in agreement with a group of unions have formed a combination to monopolize the work and trade in certain occupations.

Nor has the bad influence of such leaders ended here. They have not hesitated to solidify their positions by bargains with local political managers to deliver the vote of the unions to certain tickets. In some cities the mayor, who is dependent on the labor vote for his re-election, has been

put under such pressure by these leaders that the police force has been kept from preserving order when the union men are assaulting "scabs." In ways such as these, acts of violence and forms of rioting are tolerated or winked at, which are a disgrace to civilized society. And the effect of such doings are far-reaching. When youths of the laboring class observe that arrogance, bluff, and the appearance of force are a sufficient protection for inefficiency or even for crime they are not likely to grow up with a respect for the law.

Nothing more than the above seems to be needed to show to anyone of common-sense that something is wrong with the case of the labor unions. Therefore it is now high time to present the case of the defendants—higher wages—and to ask the court of last resort—the Court of Public Opinion—to overrule the false contentions of the unions, and to order an obedience to the principles which will not only insure higher wages now, but also provide a steady rise in the wages of future generations. In behalf of higher wages I here submit the following arguments:

1. Productivity, or efficiency, is a reason for higher wages. To all students of economics this proposition has long been familiar; and why it has not been taken up and adopted by the labor unions is passing strange. Perhaps it reveals better than anything else the unfortunate unwillingness of certain groups of persons to train themselves in economics, and it shows their habit of reading only the literature which supports their preconceived opinions. The mental attitude of many persons is not one of inquiry and open-mindedness, but one of rigidity and narrowness quite mediæval.

As long ago as Ricardo—and it was clearly expressed by John Stuart Mill—it was explained that an increase of productivity on the part of a laborer was a reason why wages could be increased without reducing the profits of the employer; while in recent literature, from F. A. Walker to J. B. Clark, the whole emphasis has been put upon the productivity of labor as the explanation of the causes of the fluctuations in wages; increase productivity and wages rise. This is not an abstruse, or difficult statement; it is only another

way of saying that a skilled man gets more than an unskilled man. Every man's experience will bear testimony as to the truth of this proposition.

Now, having reached a general truth, based not only upon the thinking of the best economists, but also upon a common experience of all men, we may next ask: What is the explanation of this fact? In other words, why should increased productivity bring increased wages? Productivity, it is scarcely necessary to say, is the power to add to the quantity of product turned out in any industry, or to improve the quality of the article. The point then, is: Why is productivity worth more to the employer? The answer is as plain as day: Because, on merely selfish grounds, the employer will pay more for labor which returns better results in product, for exactly the same reason that any man will pay more for a good horse than a poor one. Or, in the language of the economists, the thing which yields the greater utility, or satisfaction, will have the stronger demand, and—other things being equal—will bear the higher price.

2. Here, then, we have the conclusion arrived at by the brightest minds in the economic world, who have devoted their lives to the study of the causes of wages. Have these conclusions been adopted by the labor unions as the basis of their conduct? If not, are the leaders of the unions, such as Shea, Driscoll, "Skinny" Madden, and the like, better fitted by brains, study, and experience to lay down the action of unionists than these others I have just mentioned? Evidently they think they are; and they have proceeded to enforce the futile theory of an artificial supply of the market—when, in reality, the supply cannot be controlled. The assumption must inevitably be that the headstrong, self-seeking, brutal leader who freely counsels slugging and murder, is not a safe investigator into the principles regulating wages.

And let me say here that I am not arguing against unions, which are a power to the workmen. I am speaking, not against unionism itself—which I believe in—but against the abuses and mistakes of unionism.

3. If it be seen that, owing to the existing large number

of non-union men, the unions always have had trouble in gaining their demands, what is to be done? How can unionists escape the inevitable competition of non-union men whose numbers keep down wages? Remember that I am making a plea solely in the interests of higher wages, believing that the unions are unfortunately working against that result, because of a limited understanding of the principles by which wages can be raised. The escape from the influence of over-supply, let me insist, can be effected solely by adopting the principle of productivity. By making entrance to a union dependent solely on efficiency in adding to production; by seriously setting to work to improve the quality of their workmanship; by furnishing the latest information to members as to new devices, and new tricks by which dexterity, efficiency, and product can be increased; by systematically aiming to reduce friction with employers; by putting a premium upon honesty, sobriety, punctuality, and steadiness—by these, and countless other ways which need not be mentioned, the membership can be made a picked body into which no shiftless, drunken, incompetent, or trouble-making man can gain admission. These latter must drop into the class of non-union men; and thus we should have a readjustment of laborers, by a natural and just evolution, in which union men are the exponents of productivity, and favored by employers, while the non-union men are the inferior class who are no longer capable of competition with unionists.

4. It is next in order to emphasize one element of productivity which is of pre-eminent importance. A sympathetic relation and a helpful attitude between laborers and employers is an absolute essential to productivity. If two men are rowing in the same boat, can they afford to waste their strength in pulling in opposite directions? But that would be no more absurd than the violent struggles of today between employees and employers. The very first thing to do is to get together, and to stop fighting each other. An antagonistic attitude is wholly asinine. On the part of laborers, let them say to employers: What is there that we can do to increase the units of product, reduce the cost of manufacture, and help in increasing the sales? And, if we

join you in these improvements, what consideration will you allow us, apart from the gains of living peacefully together? On the side of employers, also, an improved attitude is necessary. The employers have very often been thinking selfishly only of increasing their personal fortunes at the expense of their laborers; they have taken all they could get, and have given nothing in return; they have failed to reward increased efficiency, and have done many things superciliously to hurt the self-respect and manhood of their operatives. If, on the other hand, they make a point of rewarding increased efficiency, of picking out men who have done most to add to productivity, they will unmistakably raise the *morale* of their force, and meet, in the end, with a general response from their men. These things, however, cannot be accomplished in a day. At present there is an *armed neutrality* and suspicion on both sides, which must be banished by intelligence and good feeling. But let me repeat that some employers must learn a new spirit of helpfulness if they wish to escape labor difficulties.

5. Before a better understanding can be brought about on both sides, one subject of more or less difficulty must be threshed out. If you advise the laboring body to increase their productivity, they will reply: "What is the use of adding to the employer's output, if we get nothing for it?" Now, as to this, we must frankly admit the presence among us of some employers who do not always know what is for their own interest; but it is inconceivable that for any length of time, or by many men, the improved quality, or quantity, of product in any establishment, could remain unrecognized. There are stupid employers just as there are stupid laborers. But I do not hesitate to say emphatically, from my own knowledge of manufacturing establishments, that the employer who does not discriminate in favor of the more productive employee, and reward him accordingly, does not know properly how to manage his own business, and must inevitably go to the wall in the competition with his rivals who do know. In these days few people realize the grinding, eager, intense, and minute competition which goes on between producers in the same business. It is about as impossible for a laborer who looks out for his own interests,

to escape being rewarded for growing efficiency, as for a man who is honest to escape the respect of his neighbors.

But, if there is the slightest difficulty in obtaining this recognition for increased efficiency, it is precisely at this point that the pressure of intelligent unionism should be applied. If the unions wish to enforce payment in proportion to the productivity of laborers, their success will be quick and easy as compared with some of the present attempts to insist on the same uniform rate of wages for all alike, competent or incompetent. The failure of many strikes, and the antagonism of employers, is the inevitable consequence of a blind pressure for higher wages, quite independent of the differing productivity of different laborers, and their effect on the total output. It is about as silly to suppose that a business house could afford to pay all their salesmen the same wages, irrespective of the amount of sales made by each man, as to suppose that each of a hundred, or of a thousand, men should be paid equal rates of wages, irrespective of their addition to the general result. As a matter of fact, every well-conducted business today has a record of the cost of every sort, in each separate department of its works, and can immediately recognize the efficiency of any particular part of its force. And it is also a fact that those establishments which have the least trouble with their employees have adopted a system by which individuals are rewarded for improved work, for suggestions as to improvements and inventions, and for anything which will cheapen the output, or increase the sales.

In conclusion, let me make a plea for tolerance of the man at the bottom of the ladder. He may be narrow; he may be uneducated; he may be unable to reason correctly from the limited data at his disposal; he may not know much of the trials and difficulties of running a great business; but, in the main, he is a man who responds to fair and reasonable treatment; he will, in most cases, do the right thing, if he sees it plainly. Honor, honesty, and fairness are as common in him as in the man of any other class. Therefore, a responsibility lies upon the intelligent and helpful class in the community to do all that in them lies to enable him to see the labor question in its true light.

His acts should be judged in the light of his means of reaching just conclusions, and not as if he had all the knowledge and wisdom of society. He needs light and disinterested help in solving his hard problem of how to get on in life, quite as much as he needs higher wages.

McClure's. 22: 30-43. November, 1903.

Trust's New Tool—the Labor Boss. Ray Stannard Baker.

After four months of struggle, costing untold millions of dollars, the building strike in New York has at last worn itself out. Sam Parks, the union leader, broken down by an incurable disease, convicted of blackmail, is awaiting sure return to State's Prison at Sing Sing. The men are at work again; the employers are counting their losses; the public draws a long breath of relief,—the public really believes that something has been settled.

Sam Parks, indeed, has been settled; he will ride his white horse at the head of no more labor parades; he will "pull out" no more "jobs." Nine-tenths of the people of New York fully and earnestly believe that Sam Parks and his friends were the chief cause of the strike. Many of the employing builders and not a few of the union workmen themselves, closely familiar with all the conditions, will assert the same conviction.

Well, if Sam Parks has really blocked for months the building industry of the greatest American city in the time of its most spectacular growth—and that at a time when there was no dispute between employer and employee as to wages, or hours, or recognition of the union; when the workmen were never better paid, never so thoroughly organized, never more independent—then this man Parks is surely worth knowing. It is an irresistible conclusion that he must either be a genius of extraordinary force or else he must have represented some vital basic condition or principle, which, in the inevitable expression of itself, forced upward from the mass the strong man who best represented it. Is Parks the god in the machine or is he the tool in some mightier hand?

Who is Sam Parks?

Who is this Parks? Last May his name, now grown to such resounding importance, had never been heard outside of a limited circle of the building industries in New York City. He is one of the four walking delegates or business agents of the Housesmiths' and Bridgemen's Union. For many terms now he has been duly elected by his 4,500 fellow workmen to conduct their collective business with their employers in New York. All unions have such an officer—a paid agent receiving, usually, the wages of an ordinary workman in the trade—a necessary, useful, important officer, recognized and favored by employers as well as by workmen. The walking delegate is supposed to be strictly accountable to his union, to make full reports at each meeting, and to receive instructions as to what he shall do in the intervals between meeting days of the union. I say he is "supposed to be accountable," and in the best unions he really is accountable; in the Housesmiths', however, Sam Parks was delegate.

As one of the representatives of his union Sam Parks had a seat and a vote in the Board of Building Trades, a central body composed of walking delegates from each of thirty-nine trades connected with the New York building industry. This body was supposed to discuss questions looking to the betterment of conditions among all employees on buildings, to settle disputes between unions, and, on occasion, to enforce the demand of any one union there represented by a sympathetic strike of all the other unions; it was also supposed to be wholly under the direction of the great body of unionists which it represented.

The Walking Delegate in Theory and in Fact

In short, this organization was built upon the lines of our political system. Here was the delegate elected to represent the wishes of his constituents, here was the congress composed of these representatives. A visitor from Mars, examining the wise constitutions and by-laws of these unions and this central body, might conclude that we had reached the millennium of perfection in the self-government

of our workingmen. When Mr. Steffens went to Philadelphia they showed him with pride their magnificent city charter, perfect in every regulation, a model for the nations: but Philadelphia, none the less, is the worst governed city in America if not in the civilized world. The difficulty with constitutions and by-laws is that they regulate everything except human nature.

According to all the rules, Sam Parks, the faithful servant of his constituents, was worrying along on the wages of an iron-worker, reporting regularly to his union, taking his instructions with earnest meekness, meeting the employers in the quiet, dignified manner of a business man, and never calling strikes when there was any other way out.

In reality, however, Sam Parks was riding about in his cab, wearing diamonds, appearing on the street with his blooded bulldog, supporting his fast horses, "treating" his friends. How this reminds one of the familiar, affluent aldermen or police captains of our cities building $50,000 residences on salaries of $1,500 or less and living happily ever after!

Robbing His Union

And this man, elected to carry out the instructions of his union, actually reversed the process and bossed the union. His four thousand iron-workers obeyed like children. He called strikes when and where he pleased, often deigning to give the men no reason why they were called out; he spent the money of the union lavishly and made no accounting. Once, when an overbold member ventured to inquire in open meeting what had become of a certain sum of money, Parks replied by hurling a table at him. Several others who opposed him were "beaten up" in near-by saloons. Others mysteriously lost their jobs. When a man disagreed with him, he "gave him a belt on the jaw," as he has said, "and that cleared his mind." Of $60,000 received in fees and dues by the union in 1901, over $40,000 disappeared without detailed accounting, mostly under Parks' direction. Of $75,000 received in 1902, some $60,000 was spent practically without accounting. What these great sums went for (strikes, Parks said, vaguely), no one but

Parks really knew, and he wouldn't tell. Every member of the union knew the exact character of Parks, that he was a "grafter"—and yet he could not be displaced. Even after being arrested for blackmail, he was reëlected by his union; when he went to State's Prison his salary as walking delegate was continued, and when he was released under Court orders he marched at the head of the Labor Day parade, cheered by his followers.

Blackmailing Employers

But the money he received from the union treasury probably did not equal the amount he got from the employers. Behold the extraordinary spectacle of builders and manufacturers of large interests summoned by this former coal-heaver to come to his house or to the saloon of his appointment and pay him two hundred or nine hundred or two thousand dollars *for his personal use* to secure permission ot go on with their business! This happened not once, but many times, as the evidence presented to District Attorney Jerome has abundantly shown. And if a builder was recalcitrant his jobs were "struck" and the men kept out until he "settled."

I am not entering here into the question of the justice of these strikes; some of them may have been warranted; I suspect they were; but the point is that Sam Parks and other men of his type called them *without consulting anything but their own personal pleasure, with no instructions from their unions,* often without giving any reasons to the men who were thus compelled to lie idle, and, worse still, strikes were often accompanied by a demand for money or to enforce payment of money. Did this money go to the men who struck and lost their wages? Not a bit of it; they won the battle, Parks pocketed the spoils, though he sometimes spent it liberally "setting up" for his friends at near-by bars. I heard a housesmith say:

"Sam Parks is good-hearted all right; if he takes graft he spends it with the boys."

A curious conception, surely, of good-heartedness, but one that is already familiar in political circles: robbing his

constituents of their rights and perhaps of their wages, he is "good-hearted" because he treats some of them to beer!

How the Graft was Worked

We find Parks approaching the superintendent of the Hecla Iron Works, of Brooklyn, by appointment in a saloon.

"You've never done anything for the walking delegates," he remarked. "Ain't it about time?"

He accused the company of violating certain union rules, but said he "would leave them alone for $1,000." They gave him two minutes to get out, and he used the time; then he called strikes which cost the company some $50,000 and threw 1,200 men out of work for weeks. President Poulsen finally tried to make terms, meeting Parks by appointment:

"I'm it; you pay me," said Parks. "You can go to work when you pay Sam Parks."

"What about the men who are striking?" asked Mr. Poulsen.

"To hell with those ———" responded this leader, concerning his constituents.

Without entering into the many complications of the case, which have no real bearing on the attitude of our hero, the Hecla people finally paid Parks $2,000 and the men were allowed to go back to work. I am not saying that this money was blackmail, nor a bribe, nor that it was not a just payment for "waiting time." Confusion here exists in definitions that must be settled in the courts. But of one thing we are certain: *Parks got the money*; the check endorsed by him is now in the hands of District Attorney Jerome. Owing, however, to the publicity given the case, the union is reported really to have received some of this money—after Parks had been provided with a diamond ring bearing the legend "Victory, Strike Hecla Iron Works."

The Croker of the Building Trades

And, truly, the more closely one examines the situation the more striking the parallel between the government of the trade unions and our politics. We have to-day the Labor Boss and the Industrial Machine in many unions (the germs of them in all) with much the power and founded

on exactly the same basic defects that we find in our political organizations. Why not? The union is a voluntary elective association and its offices are prized places. We find it, therefore, subject to all the approved American electioneering methods. Sam Parks is the Croker of the building trades. Other bosses there are in other trades: Carvill of the derrick-men, for instance, who was second only to Parks in his appetite for the money of the employers, and Murphy of the stone-cutters, who stole $27,000 of the union's money and is now in Sing Sing. There was a ring in most of the unions and a ring in the Board of Delegates, just as there are little political bosses in the election districts and a big boss in Tammany.

In the first place the union is composed of the same elements as the political party—of American citizens, the majority of whom, perhaps, are honest, intelligent, conservative and well-to-do, but also too often criminally selfish, stupid, willing to be led by the nose so long as their business is not disturbed. This majority in politics does not go to the party primary, often does not vote; in the union it does not attend the meetings, takes no interest. Of 4,500 members of the Housesmiths' Union there were rarely 500 in attendance at a meeting, and never, even at important elections, anywhere near the full number. Mannerchor Hall, where the union met, does not seat comfortably 600 men. As a result the business was conducted by a very small minority, composed largely, as in the political organization, of the young, unattached fellows, the out-of-work, and those who would rather play politics than drive rivets. The other men, the workers, some of whom lived twenty-five miles from the meeting hall, were tired at night and wanted to go home and play with their babies. Oh, it is the old familiar American story, bragging that we can govern ourselves, and then not governing.

An Honest Labor Leader Helpless

The real quality of the majority of the housesmiths finds expression in the election and reëlection of a thoroughly honest and able president, Robert Neidig, who, in the face of threats of personal injury and loss of work, has mar-

shalled a steady opposition to Parks. Neidig has taken high grounds of civic patriotism.

"I have got to be a union man," he says. "Should I let the union run itself, and not attend meetings because I do not like its methods, or should I turn in and do my best to help change the methods?"

And Neidig really has done his best, working patiently without a cent of salary, though he has not succeeded in arousing the honest majority to overthrow the Boss. So our political parties elect some fine, honest, ingenuous, not over energetic man as mayor or governor and "point with pride" to him, while the Boss stands behind him grinning, runs everything, and steals the people poor.

A Boss cannot come to power unless he really does something to help his party, his union. After all, his sway must have some basis of good service. It is Parks who is chiefly chedited with the present effective organization of the iron-workers, and it was he also who led in the fight for advanced wages; he has been largely instrumental in nearly doubling the income of the iron-worker in five years. In 1897 the housesmith received $2.50 a day. In 1903 he receives $4.50 a day. Parks has made life better worth living—at least in a material sense—for 25,000 New Yorkers.

How Unionism Excuses Parks

You will hear honest men saying: "Yes, Parks is a grafter, but see what he has done for us! Yes, he steals, but he steals mostly from the employers. What difference is it to us if he makes the employers give up? They get more than their share anyhow."

It takes high moral stamina to resist such speciousness as this.

Gratitude, however, never kept a man in office, especially in political office, and we find Parks engaged in all the familiar electioneering devices to maintain his power. A meeting hall holding only a small fraction of the membership was easily packed by friends of the boss when he needed a vote of confidence. We find him securing his own judges at elections, once even rushing the polls so that the city police were called in to quell the riot. We hear of

repeaters and purchased votes, even of fraudulent ballots and fraudulent counts. I was told of one instance in which, after the adjournment of a meeting, when President Neidig and many other members had gone home, the Parks ring called the union together again at 2:30 o'clock in the morning, suspended the constitution, elected Parks for another term as walking delegate, and voted him a three months' vacation at full pay. Alarmed by this scandal, however, a subsequent meeting reversed the action.

Pursuing all these approved bruiser and criminal methods of the ward politician, Parks, nevertheless, could not have held his place without drawing around him a ring of adherents (heelers) who would support him through thick and thin.

The Other Side—The Grafting Employers

It has its humorous aspects—the astonishment and horror with which we heard the stories of graft given out by members of the employers' association—we Americans who take credit for knowing ourselves so well! Here was a builder doing his million or two million dollars' worth of business a year indignantly telling how he paid $200 or $2,000 to a walking delegate six months or two years ago! Why has he kept his indignation to himself so long? and why did he pay the money, anyway?

We are asked to look upon these things as if bribery and graft and blackmail were *new* in the building trades of New York.

Why is it that for years the building department has been notably one of the most corrupt branches of the city government? Why have several former high officials of this department, employed at a modest salary, gone out of office after a few years of service with fortunes large enough to make them resplendent for the remainder of their days? Why are the positions of building inspector even to-day in such demand? The inspector is paid only $1,200 a year, out of which he must buy his uniform, pay his own expenses (and his political assessments) and he must, if he is an efficient officer, be a man of experience and ability as a builder. Why, his earnings are not more than an ordinary

carpenter or blacksmith will make—not so much, perhaps. On this exact point the new superintendent of buildings, Henry S. Thompson, has said:

"With $100,000,000 worth of building being done every year in this city, and every dollar of it subject to the supervision of inspectors of this department, the opportunities for graft and blackmail in the building department are equaled by no other department in the city, except, possibly, the police.

"These $1,200-a-year men overlook $3,000,000 buildings. They are the ones to pass on the materials being used. If inferior material is put in, if the plans are deviated from, if the plumbing is not placed properly, if there is the least deviation from the prescribed plan, or from the law, the inspector on the ground is the man to bring it to notice and require the builder to comply with the law. How wide a field this opens if the inspector is not an honest man any one may see."

Bribery in the Building Department

For long there was a regular schedule of bribe money: So much for the construction inspector, so much for the plumbing inspector, so much for the iron work inspector, and so on. Ofter the bribes were contemptible five-dollar bills for breaking little laws, and sometimes as high as $2,000 paid to high officials for breaking big laws. And who has made the building department for years a favorite place for grafting? The builders—no one else. Not all builders—no one may accuse a whole class—but enough of them to give a great city department its evil reputation. Why have they paid graft and bribed building superintendents and inspectors?

Because they wanted to break the law.

That, indeed, is the secret of all graft. They wanted to put in cheaper materials than the law called for, they did not want to make their building really fireproof, they did want to hurry and scamp their work and increase their profits, or they were too cowardly to resist the demand of corrupt officials; so they used bribe money.

Similarly there were times when the purchase of the labor

boss also became "a regular business expense." And this is not new; it is as old as the unions themselves.

In the case of the walking delegate, the builder wants to break, not a law, but his agreement with the union; he wants to deal unfairly, he wants to "keep in" with the union, but at the same time he wants to prostitute the union to his own private ends; or he is too cowardly to resist in court the demands of the corrupt delegate.

Here, for instance, are non-union men working on a job, or laborers doing the work of skilled artisans; the delegate protests, as his duty requires; how much simpler and cheaper it is to hand out a hundred-dollar bill, quiet the delegate, and keep the non-union men and laborers working at cheap wages. No matter if it is the purchase of a man's honor, no matter if the delegate sells out his friends, business has not been interrupted.

Do Employers Want Honest Labor Leaders?

And does any one really suppose that all builders really *want* honest delegates? Does any one suppose that our street railway owners, our gas concessioners, our owners of dock privileges, really *want* honest aldermen, honest city officials? No, sir; they do not. If the delegates and officials were honest, profits would be decreased, the builder would not be able to beat his competitor, and the street-car capitalist to rob the public of franchises. After all, this is a republic, a government by the people; if, as a people, we really did not want bosses we should not have them. Grafting is only one expression of our American lawlessness.

New York was deeply stirred the other day over the revelation of the demands made by the stone-cutters' union on their employers for a large sum of money which the union called a "fine" for disregarding union regulations. Fifty thousand dollars was at first demanded from Andrew J. Baird and his associates of the Stone Dealers' Association, but employers and employees finally compromised on ten thousand dollars. I am not here entering into the discussion as to whether this payment was "graft" or not, or whether the union has a right to demand this large sum. The significant fact was that the public would never have

heard of this transaction—which surely meant something—if the union treasurer, Murphy, had not stolen the money, with the result that the whole affair was dragged into the courts. At no time in the proceedings was there an accusation of employer against employee, or employee against employer. Here was a curious, unaccountable sum of money passing, and the men who paid it making no public protest. After Murphy was in State's Prison he made the statement that there was a secret agreement and understanding between the union and the employers' association, similar to the combinations which I have described in my article on Chicago labor conditions.

The fact is, the employers wanted to *use* the union to fight their competitors and to form a monopoly, and the union was willing to be used, if paid for it.

No; the dishonest Labor Boss, if not *too* greedy, is very often a useful tool for the employers. A single instance, a story told by District Attorney Jerome, from evidence in his posssession, will show how happily the Boss serves the employer when he does not want to meet the demands of the union squarely, fairly, honestly; it also throws an impressive light on some other ugly conditions of our modern building system.

A Story of Graft

For years the Amalgamated Association of Painters and Decorators worked in amity under agreements with the employers' association of their trade. To the Amalgamated Association belonged practically all the painters and decorators in New York City and vicinity. In the summer of 1902 the Amalgamated Association demanded an increase in wages and a half holiday on Saturday—as they had a perfect right to do. I am not here questioning the justice of these demands or the provocation of the employers; the plain point is, that instead of meeting this demand of their old partners in the industry fairly and squarely with argument or refusal, or offer of arbitration, the employers bethought themselves of an evasive scheme—a business scheme—to fight the demands. In other parts of the country, having headquarters in Indiana, there existed a national

organization of painters called the Brotherhood of Painters and Decorators. The employers opened secret negotiations with this organization to come to New York, organize, and fight the Amalgamated Association. When the members of the Amalgamated Association heard of this plan they prepared at once, and not unnaturally, to wage a bitter fight, finally striking against all the members of the Association of Interior Decorators and Cabinet Makers, tying up, among other buildings, the new Union Club. The employers knew that they could not fight the Amalgamated Association, backed up as it was by the Board of Building Trades, unless the new Brotherhood could also get a representation in the board. The natural way to get this representation—at least no one seemed to think of any other way—was to use graft, and plenty of it.

President Bahlhorn of the Brotherhood came on from Indiana and offered $2,500 in cash to be used in the proper manner. It wasn't nearly enough. The opulent New York labor bosses sniffed at this western money, and President Bahlhorn himself began, as a labor leader expressed it, "to have cold feet." He expected to appear soon for reëlection by his organization and ugly questions might be asked by honest members as to where and how that $2,500 was expended in New York—and he couldn't well explain. So fifteen members out of seventeen of the employers' association—two refused to pay—subscribed $450 each, the Union Club, which was anxious to have the work on its building go forward, made a handsome contribution, and this, with other funds subscribed elsewhere, a total of some $17,000, was used among the Labor Bosses, chiefly in the credentials committee as an "initiation fee."

Unions "Grafting" on Each Other

After this money had passed influences favorable to the Brotherhood began curiously to ferment in the board. An umpire—Boss Richard Carvill—was appointed to decide certain questions between the two painters' organizations. After many significant delays and charges of "graft," Boss Carvill decided in favor of the Brotherhood. As a condition of its admission to the board, on December 20, 1902,

the Brotherhood agreed not to work for less wages than the Amalgamated Association was demanding, $4 and $4.50 a day. Three days later the Brotherhood deliberately signed a secret agreement for one year with the employers' association to work for $3.25 and $3.50 a day. The $450 paid by each employer was thus a first-class investment; it was soon returned to him, with much more, in the saving of wages. "I knew that the end was coming," said a prominent labor leader, "when the unions began to graft on each other."

Every step in this transaction was marked by graft, by bad faith, by indirect dealing; and one side was exactly as bad as the other. Yet the employers call upon the public for sympathy in their fight against *union* corruption. A little common honesty and determination, a good deal less greediness on both sides to meet business issues squarely, and such a sickening transaction as this would never have occurred.

"Only a higher conception of business honor among the building contractors themselves," says the New York *Evening Post,* "will lead to an absolute and enduring reform."

The Cause of Graft Higher Up

Bossism and venality, then, existed in New York long before the great lockout of May, 1903. The builder had long paid money to break the law or his agreements, and the delegate had long taken money to sell out his union, and neither had fared so poorly. It was a sort of balanced venality which might have continued to this day if another element—an outside, unrelated influence—had not entered the field and disturbed the evil equilibrium of the industry. It is of little importance what the immediate causes of the hostilities really were, of no more importance than the shots fired on Fort Sumter in 1861. This, too, was an irrepressible conflict; if it had not come in May it would have come in June, or July, or later. The same issues have already been fought out in Chicago and San Francisco, are now being contested in Pittsburg, and will have to be met in Boston. They are fundamental and national, not special and local issues.

The cause given by the employers' association for the

lockout was that the exactions of the Parkses and Carvills and of the Board of Building Trades had become absolutely unbearable, and the only way out was to smash the Boss system. No one who knows anything of the senseless strikes, trade disputes, and blackmail which the builders unquestionably had to suffer, will minimize this provocation or excuse the Labor Boss.

But there is much more to say in regard to the position of the employers' association, an organization hardly older than the lockout itself—some things that may have escaped the attention of the casual reader of the newspapers, to whom the fight may seem a plain issue between the high-minded and abused employer and the blackmailing Labor Boss. If the real truth were known it might be found that these extortions of the Labor Boss, never very large compared with the millions and milions of dollars involved, and not half so hateful, be it whispered, as we have been led to believe, that these petty strikes and trade disputes, while maddening enough, were not to be compared in seriousness with one other tremendous fact of the building industry of New York and other cities. The gnat stings of the Labor Bosses won public sympathy for the employers' association; the other thing, if generally admitted, would have merited none at all.

Enter the Trust

The plain fact is, a gigantic hand had reached into New York and was revolutionizing the building industry of the city—the hand of the Trust.

During the whole time of the lockout the man on the street may have noticed that work on many new buildings, some of the most important in New York, went forward without interruption, quietly, persistently. Farther inquiry would have shown that all, or nearly all, of these buildings were under contract by a single concern—the George A. Fuller Construction Company. Now, why was this company working when all the other builders of New York were idle? How did it rise superior to strikes and lockouts? Had it solved at last the labor problem?

The George A. Fuller Construction Comany, the first of several great concerns of a similar character, all of Chicago origin, based on Chicago ideas and experience and backed by Chicago push, came to New York several years ago, its advent, curiously enough, being contemporaneous with that of Boss Parks. Starting with no business at all, it has, within some five or six years' time, become the greatest construction company in the world, with the largest single building business in New York and important branches in Chicago, Baltimore, and Philadelphia.

The Fuller Company, itself capitalized at $20,000,000 is to-day owned and operated by a gigantic corporation known as the United States Realty and Construction Company, with a capitalization of $66,000,000. It is the trust idea applied to the building industry.

It was as inevitable sooner or later that such combinations should appear in the building trades, as in the steel or oil industries; they were the logical result of the era of the sky-scraper. And it was also inevitable that their advent should work mighty changes, that the old-line builders and contractors—their competitors—should suffer before the centralized management and unified purpose of the new corporations.

Indeed, the independent contractors faced a similar danger on both sides. On one they had the leviathan combinations of capital, which were taking their business and cutting into their profits; in six years' time they saw half the important building business of New York pass into the hands of these new corporations; on the other side they had the hardly less formidable preying combination of labor levying blackmail and forcing up wages. What could they do but organize? They were literally whipped into organization; that it must have required tremendous pressure to drive these contractors together, no one can doubt who knows the fierçe competition and rivalry which exists among them. In short, it was a part of the common struggle of the times; organization and combination against disorganization, a clashing of great elemental forces, not the gnat stings of a little insignificant, bullying Boss Parks.

How the Trust Worked

There was a vital idea and high-class brains behind the United States Realty and Construction Company. The managers devised new methods of economy—doing away in many instances with middlemen, tending to eleminate independent architects and contractors; they had new schemes for dealing with labor, learned in the Chicago strike of 1900, and they cunningly contrived new avenues of getting political influence—for the building business hangs on the will of a political appointee, the City Superintendent of Buildings. And, instead of waiting for business, they went out and made business; they organized neglected opportunities. Here was a man who had land, but no money to build; they supplied the money and built for him; often they bought the land themselves and built.

The new corporation was, moreover, fortified in its position in a hundred ways. In the first place it was intimately related to most of the other great trust and financial interests, which, after all, are nothing more than a family party, with headquarters in Wall Street. Naturally, therefore, when any of these interests were concerned in important new buildings, they favored the Fuller Company, for thus, in some degree, they paid the profit of one pocket into the earnings of another.

Forces Behind the Fuller Company

Here we find the Standard Oil Company represented in the person of James Stillman, president of Rockefeller's bank, the greatest money institution in America. Mr. Stillman is chairman of the executive committee. It was well for a large consumer of steel like the Fuller Company to have a steel connection, and we find, accordingly, that the United States Steel Corporation is represented in the directory by Charles M. Schwab and E. C. Converse; and that the Fuller Company owns $550,000 of stock in the Steel Trust. At one time the Fuller Company is said to have had a contract whereby it got its steel at especially favorable rates. Railroad interests (the railroads haul the steel and other materials) were represented by Cornelius Vanderbilt

and John W. Gates. Banking and other huge financial interests found a voice in James H. Hyde, vice-president of the Equitable Life Insurance Company; in James Speyer, one of the most conservative bankers in New York; in Augustus D. Juilliard and G. G. Haven, of the Mutual Life Insurance Company—all large owners or agents of real estate and buildings, who might need the services of a building company. Thus, we find the new Equitable Life building in Broadway going naturally to the Fuller Company. But perhaps the most important of all its connections was with the real estate interests of New York—the men who are on the inside, who know when and where buildings are to be built, and who is to build them—and who know these things *first;* so we find Bradish Johnson, an acknowledged real estate expert, as president of the company, and Albert Flake, Robert E. Dowling, Henry Morganthau, all very prominent real estate men, represented in the directory. Stockbroking interests—an important department in such a concern—were represented by Henry Budge. Nor did the company omit to cast a political line to windward. The city regulates building, and it is well to have influence where it will count. So we find among the directors Mr. Dowling, Mr. Flake, and Hugh J. Grant, former mayor of New York, a big politician, and an associate in a trust company composed largely of Tammany interests. It is common talk in the building trades that the new Superintendent of Buildings, Mr. Thompson, was appointed through the influence of these directors, though there are no charges of maladministration against him. Legal acumen, of which such a company have urgent need, is represented by one of the ablest New York lawyers, B. Aymar Sands. Also we have representatives from Chicago and Boston, where the company does a large business. The actual management of the building interests was in the hands of Judge S. P. McConnell, president of the Fuller Company, and Harry S. Black, a relative of the founder, George A. Fuller, both Chicago men.

Buying a Supply of Labor Bosses

When the Fuller Company first came to New York and introduced the "department store idea" in building, the old-

line contractors naturally did their best to fight it. So the old-line storekeeper has waged a losing war against the department store. In several trades there existed combinations between the associated employers and the unions (like those in Chicago) which fought the new companies with effect; in other trades, not so well organized, there came to be a wholesale bidding for labor. The old-line contractors would raise wages and get the man away from the Construction Company, and the Construction Company would bid up and get the men back again. Here were sown still other seeds of corruption, for both sides sought the favor of the walking delegates. There can be no doubt that the arrogance of the Labor Boss, knowing his power, is largely traceable to this courting of the labor monopoly by both parties to the gigantic struggle between trust and independent builder.

The Fuller Company, fresh from bitter strike experiences in Chicago, had learned the simple business lesson that the labor union has come to stay quite as surely as the trust, that it is better to work with it than to fight it. Instead of antagonizing labor it went out of its way to win labor—or at least the Labor Bosses. It yielded to the demands of labor and, doing not a little of its work on a percentage basis, it simply charged the added expenses up to the owner—in other words, "took it out of the public," as the pools in certain Chicago building trades are doing. Also, it made a policy of quick work, which is always worth a premium to the owner. But it went a step farther, perhaps the next universal step; the Chicago "pools" were mere voluntary agreements of competing contractors with the unions—"gentlemen's agreements" in which, in spite of oaths, and promises, and bonds, the gentlemen would not remain gentlemen. The Fuller Company was a corporation, a unit in which there could be no internal dissension, which could deal with the union as a single man.

It is a significant fact that the Fuller Company brought Sam Parks from Chicago when it came—and, curiously enough, as a "scab," to help assist the trust's entry into New York—and there is evidence that he was on their payroll long after he became a leader of the union: that while

he was drawing wages from his union to look after its interests he was also drawing money from the Fuller Company to look out for *its* interests. Rather strange, perhaps, but modern! The check paid by the Hecla Iron Works to Parks—I have told why this check was paid—was cashed by the Fuller Company. One of the officers of the Fuller Company was the go-between in the payment of money for the admission of the Brotherhood of Painters to the Board of Delegates.

Trust at War

The Fuller Company, as a labor leader expressed it to me, "went the old builders one better on their own game." Instead of buying delegates occasionally, they were able to own a supply outright. It is common talk in the building trades that the Fuller Company, through its influence with the labor bosses, could and did cause strikes against their competitors, and even invited strikes against themselves when they wished to secure immunity from penalties under the "strike clause" in their contracts, but I could not find any specific evidence, even from the company's worst enemies, of this dastardly sort of warfare. But this idea of being friends with labor, good or bad, has kept the Fuller buildings going through all the strikes, has made good their claim to getting their buildings done on time—at any cost of money or honor. Other construction companies, like the Thompson-Starrett Company, more conservatively managed, buried their differences with the old-line contractors temporarily, and joined the employers' association in their fight to down the blackmailing Labor Boss.

Who is Responsible?

Mr. Jerome has said: "This corruption in the labor unions is simply a reflection of what we find in public life. Every one who has studied our public life is appalled by the corruption that confronts him on every side. It goes through every department of the national, State, and local government.

Outlook. 84: 615-21. November 10, 1906.

Walking Delegate. Luke Grant.

An automobile stopped before a great business block which was building. It was on the Wide Side in Chicago. Three men and the chauffeur were seated in the vehicle.

"I'll be gone but a minute," one said, as he stepped to the curb. "You fellows wait for me."

He was flashily dressed. His trousers were fresh from the ironing-board of the tailor, and his coat was the latest cut. He "sported" a fancy lavender-colored waistcoat, and in his shirt-front a diamond sparkled. Patent-leather shoes adorned his feet. His whole appearance indicated that he had no lack of money and spent much of it upon himself.

Entering the building, he glanced around until his eyes found what they sought. He beckoned to a young man in greasy overalls, extending his hand as the other approached.

"This job's on strike," he announced. "You tell the other fellows to quit until the trouble is straightened out."

The workmen without demur obeyed the order, and within five minutes the building was "tied up."

"Did ye pull the job?" inquired one of his companions as the walking delegate climbed into his automobile.

"What d'ye suppose I came out here for?" was the reply. "We'll let them sweat for a while," and the chauffeur was ordered to return to the city.

The buildings in question are situated about five miles from the business center of Chicago. On the way out a number of bottles of champagne had been emptied by the walking delegate and his friends. More wine was consumed on the return trip. The walking delegate "did the honors," explaining: "We might as well do things right. I may have my faults, but I never was accused of being cheap."

This particular walking delegate is not representative of men of his calling. He illustrates, however, an exception frequently accepted as a type.

The walking delegate is the product of conditions for which employers who are to-day loudest in their condemnation of him are largely responsible. When in the early days labor unions were struggling for "recognition" or for

the right of collective bargaining, in the days before the evolution of the walking delegate, the more aggressive spirits who volunteered to represent their fellows usually paid the penalty for their temerity. When a committee approached an employer with a request for increased wages or improved working conditions, the spokesman, if not the entire committee, had to seek other employment.

"We propose to conduct our business in our own way," said the employer. "We want no union interference."

The earlier unions tried to counteract the penalizing by paying full wages to the men thus "victimized" until the latter found other employment. This condition became responsible for the walking delegate, since the unions learned by experience that to protect their interests they needed a representative who could not be discharged. This attitude of employers toward unions not only made the walking delegate a necessity, but in a degree determined his qualifications. He had to be a man possessed of physical courage, who would not be intimidated.

The walking delegate is elected by popular vote. It does not follow, however, that the man best suited for the position is always the one chosen. The popular vote system has its defects in the labor world, as in the world of politics. The influence of the "good fellow" is powerful among union men. In many unions the man who freely spends his money over the bar can get elected to any position he aspires to. As the citizen who most strongly condemns corruption in civic affairs is often the one who stays away from the polls on election day, so the union man most ready to criticise the acts of the walking delegate usually takes no part in his election. Whether a walking delegate is elected by ballot in a meeting of his union, or by the Australian ballot system, rarely does the vote cast exceed thirty per cent. of the membership.

In unions of skilled workmen it is an almost invariable rule that the walking delegate is a competent workman in his trade. "He is a good mechanic and understands his business" is an expression frequently heard among skilled workmen when discussing the qualifications of a candidate. "He can't hold a job anywhere" is an effective argument to

use against an aspirant for office. It is not unusual, however, for the good workman to be also the "good fellow." If he is not a "good fellow" when first elected, he is exceedingly apt to become one if he wishes to retain his popularity.

The powers vested in the walking delegate by his union vary according to custom and to the peculiar conditions existing in the craft he represents. In some unions his authority is almost supreme, in others he is given instructions to carry out. Much depends on what is believed most expedient to bring results, and not a little depends on the character of the individual walking delegate. There are no unions which permit their walking delegate to initiate a general strike of the trade in a city. That must be voted on by the membership. At the same time, the walking delegate in most unions has authority to call a strike on a particular building or factory without consulting the membership. At times this leads to serious abuses; at other times it is an advantage to the membership. If the walking delegate of a building trades union had to wait for a meeting of his union to get authority to order a strike, the opportune moment might pass in the interval. His idea is to call a strike at the moment it will work the greatest hardship on the man he is fighting. Every strategic position must be taken advantage of to insure success. Realizing this, the members of a union allow the walking delegate to call "individual" strikes at his discretion.

As the powers of the walking delegate vary in the different unions, so do his duties. In a union of street-car men, for instance, it is unnecessary to have a walking delegate constantly going around among the men. All the members of the union are employed by the same corporation. Once a working agreement is signed, the working conditions are definitely settled. The walking delegate is seldom required to adjust grievances. He acts as secretary of his union in addition to his other duties.

In a building trades union the duties of the walking delegate are altogether different. Contractors will sign an agreement to pay a certain scale of wages, but it lies with the walking delegate to see that the agreement is enforced.

He is required to watch the members of his union as well as the contractors who employ them. The members of a union will vote unanimously to uphold a scale, but in the fierce competition for work union pledges are often forgotten. The "law" of supply and demand may be recognized by economists, but it is not recognized as a law by the walking delegate and his constituents. His daily work is fighting the so-called law. He believes in free competition with limitations. Members of the union are free to compete with one another for work, provided they insist on receiving the minimum scale of wages. Contractors may compete for contracts as fiercely as they choose, but they must pay the minimum rate of wages to their workmen. The fair employer must not be made to suffer because of the unscrupulous one who will cut wages. The honest union man who stands out for the scale must not suffer because of the less honest member who is willing to work for less. The walking delegate must see that competition is not "free," but fair.

Employers and workmen frequently connive to deceive the walking delegate. The paying of rebates is not confined to the railways. It exists in many building trades. When the walking delegate suspects that the scale is not being paid, he will surprise a contractor by appearing on a building or at the office on pay-day. The pay envelopes have to be opened in his presence, and if the amounts are incorrect a strike is called. Knowing this, contractors frequently place the correct amount in the pay envelope and receive a portion of it back the following day.

A more ingenious method resorted to is to mark on the envelope a lesser number of hours than the man receiving it has actually worked. For instance, the union scale is fifty cents an hour and the mechanic has worked forty hours in a week. His pay would be twenty dollars. If he is secretly working for forty cents an hour, his pay would be sixteen dollars, and his envelope is marked thirty-two hours at fifty cents an hour.

Such practices are daily discovered by the walking delegate, and when he orders a strike to break up such a combination he is denounced not only by the employer but by

the guilty men in his own union. "My men were perfectly satisfied until the walking delegate appeared," the contractor will say. "Other contractors are doing the same thing. I guess the trouble is I didn't hand him a little money."

In most unions the walking delegate is compelled to be an employment agent. If he can find work for but one man when ten are idle, he makes enemies of the other nine, who want to know at the next meeting "what they are paying a walking delegate for."

"The walking delegate is the policeman of the union," said an old trade-unionist to me recently. "The honest employer does not fear him, but the unscrupulous dread him as a thief does a policeman."

The remark was made by one of the most intelligent members in a union of skilled workers. While his characterization is perhaps too broad, it illustrates the regard in which the walking delegate is held by his fellows. Incidentally it may be mentioned that the man quoted was one of a minority bitterly opposed to the introduction of the walking delegate in his own union several years ago. At the time he denounced walking delegates on the floor of his union hall as "loafers," and declared he would never contribute to the support of one.

Taken from the shop or factory, as he generally is, there is a complete change in the life of the walking delegate when he assumes office. Under the eyes of a taskmaster in a shop or a factory he may have been sober and industrious. The unaccustomed freedom from restraint may, however, change his whole nature. He finds himself suddenly transferred from a position of servitude to one of authority. He has a small army of men at his command. With an exaggerated opinion of his own importance, he is apt to abuse his power before he realizes his responsibility.

"Do you know who I am?" said a walking delegate to an employer who questioned his right to interfere with workmen. As he spoke he threw open his coat and displayed a star. He called a strike at once, "just to show the employer." It was his first day's experience.

"My men were stopped without apparent cause," said the employer, an hour later, at the headquarters of the union.

"I'll have the matter looked into at once," said the President of the District Council, who was responsible for the conduct of all the walking delegates from the various local unions in the craft. Calling in one of his trusted men, the President requested him to go and make an investigation. The men were at once ordered back to work.

As the inexperienced walking delegate sometimes calls strikes to show his authority, so the inexperienced employer frequently provokes trouble by his manner.

"If you set your foot inside that store I will kill you," said a merchant to a building trades walking delegate on one occasion. The merchant had rented a store, and it was being fitted up by non-union men. The walking delegate was a man of experience, and a fair judge of human nature.

"I don't want to get killed, so I won't trespass," he said.

"You had better not," said the merchant, who was having his first experience with a walking delegate.. "When I was a young man," he continued, "if I could not get three dollars a week I worked for two dollars."

"Times have changed since then," replied the walking delegate.

"I should think they have changed, when loafers like you are permitted to interfere with workmen. You will not work yourself, or allow others to work." As a result of this merchant's pugnacity, the non-union men were put off the building by the architect.

The abuse of suddenly acquired power is not the only danger which confronts the walking delegate when he first assumes office. Temptations are daily thrown in his way from different directions. His duties necessitate his keeping late hours. Employers who, for reasons best known to themselves, desire to be on friendly terms with the walking delegate will ask him to meet them in the bar-room of a hotel. Beer, something of a luxury to him in the days when he worked in a factory or sat on the seat of a wagon, is no longer considered good to drink. The employer will insist on buying wine. It requires a strong character to resist such temptations, and the walking delegate does not always resist them, for he is human. There is not a city of importance in the country that does not contain its quota of men

whose lives have been wrecked by their careers as walking delegates. In such a complete change of atmosphere it is perhaps not to be wondered at that some walking delegates acquire habits that are not commendable.

By a wrong psychological deduction, many people believe that because a walking delegate visits questionable resorts, as many of them do, and is untrue to his family, he must necessarily be dishonest and faithless to those he represents. There are many walking delegates who cannot be purchased to do a dishonorable act where their union is involved, but who have extremely loose ideas on morality in other respects.

There is as wide a difference between walking delegates as there is between statesmen and ward heelers. Public opinion however, releases the statesman from responsibility for the misdeeds of his "henchmen," while it condemns walking delegates in wholesale on account of the sins of a particular few. The average walking delegate is much like the average man in other walks of life. He may be coarse, brutal and unscrupulous. If he is, he is likely to be pilloried before the public as a type of his class, and others of his calling who are honest, honorable men suffer in reputation therefor.

The publisher of a newspaper is a man of education and intelligence. He has to be met with intelligence. The team-owner is apt to be a man with business capacity but with less politeness. He is accustomed to order his teamsters in language he and they understand. He has in all probability driven a team himself at some time in his career, and he deals with his men in the manner experience has taught him to be the most effective. The walking delegate meets the team-owner, not with soft words, but with plain speech, coarse speech, man-to-man fashion.

A notion prevails that the walking delegate is an agitator who stirs up trouble to keep himself in office. It is an error. While it is true that the most radical man in the union frequently gets elected, it is equally true that he soon becomes conservative. It does not require long experience in office to convince him that radical utterances in union halls do not accomplish results. When he worked in a factory, he

believed that there was only one side to the labor problem, and that the employer had no rights which the workman was bound to respect. As walking delegate he gets a broader view of the world than he could ever have obtained when looking through the factory window. Incidents in his daily life give him an insight into human nature that he could never have acquired at the work-bench. He learns by practical experience that the existing order of things cannot be changed in a day or a week. He finds out that the employer really has rights in the matter. After he reaches this stage, which takes him weeks or months, according to his ability and to the conditions which he has had to confront, he changes his attitude in his union meetings and endeavors to hold back his constituents, instead of urging them on as he did in the days when he worked in a factory.

"I would like to hear what the walking delegate has to say on this question," said a union man in a meeting when a wage scale was under discussion. The walking delegate said that he believed the employers were in a position to resist a demand, and that it would be wisdom to let the old scale stand for another year.

Hardly had he resumed his seat when another man who wanted to be elected to the position arose and said: "It seems to me the walking delegate does not want us to get more money. He gets more than the scale himself, and does not care about the rest of us. We are entitled to ten cents an hour more than we are getting, and there is no reason why we shouldn't have it."

The speech was greeted with cheers. A strike was voted, and shortly after it was called the walking delegate was asked to resign. The less conservative man was elected in his place. The strike was lost. The men had to return to work at the old scale, while they sacrificed some of the favorable conditions they had before the strike. But the new walking delegate retained his position. They said of him: "Well, he wasn't afraid of the bosses, anyway."

This illustration is not unusual. When the experienced walking delegate tries to keep his union from engaging in a strike the success of which appears doubtful, he is accused of being "afraid of the bosses," or even of being "bought."

Seldom does any position appear unreasonable to the members of a union when they are in a meeting hall. They want certain things, and the question of whether the demands are reasonable does not enter into their calculations. "We are entitled to all we can get," and "We never got anything without fighting for it," are the rules by which they go.

One of the most interesting studies of the walking delegate, and one that is not well understood, is his attitude toward the "slugging" of non-union men. Wherever systematic "slugging" of non-union men is carried on during a strike, it can always be charged to the knowledge of the walking delegate, if not to his instigation.

While "slugging" is not to be condoned or excused, something is to be said, not in defense of those responsible for it, but in explanation. It is commonly supposed that the men who commit assaults on non-unionists during strikes are naturally vicious and criminal. That the assaults are vicious and criminal is beyond doubt, and that the "professional slugger" is a low type of the human race may be admitted. Many of the assaults committed during strikes, however, are not committed by "professional sluggers," but by zealots who are neither vicious nor criminal in intention. Their action proceeds from blind devotion to a cause. The walking delegate is often a zealot. He lives in an atmosphere of unionism. He preaches it by day and he dreams of it by night. He gradually reaches a stage where unionism becomes to him more than a religion. Anything done in the name of unionism is to him holy if he believes it will further the cause. At sight of an act of cruelty to a horse on the street he will protest, while he will look upon an assault on a "scab" with gratification. He may have a generous nature and a sympathetic heart, and yet be positively cruel and cold-blooded in furthering, as he believes, the cause of his union.

"You are a strange combination," I remarked to a walking delegate. "I believe you could beat a "scab" and repeat the Lord's prayer at the same time."

"I could," he replied; "and I believe the Lord would bless me for doing it."

In many respects this particular walking delegate is an ideal citizen. Devoted to his wife and children he would rather die than wrong them. He does not taste intoxicating liquor nor use tobacco in any form. He is constantly preaching temperance among his fellows. He is absolutely honest, and no inducement could tempt him from the paths of rectitude in that direction. Human misery touches him deeply, and he will give from his wages, at the expense of his family, to relieve distress.

Notwithstanding these admirable traits in his character, he will beat a "scab" into insensibility and take pride in it. This picture is no exaggeration, and it illustrates the blind fanaticism I have attempted to describe.

This singular and dangerous trait of human nature is not produced by trades-unionism. The same insensate devotion which places an organization above every other consideration was seen in the church centuries before labor unions became a factor in industrial life. It is observable in politics to-day.

Few walking delegates are naturally criminal and vicious. While men like to be led, they follow a leader because of qualities in him that attract them. Cruelty and viciousness are not attractive to a majority. Neither does the walking delegate hold his position through fear which keeps his constituents from opposing him, although it is frequently charged that his rule is despotic. By trickery and unscrupulous methods he may occasionally get elected to office, but unless he fairly represents a majority in his union, his career is short.

Usually a man with little education, the walking delegate is often called upon to plead the cause of his union before men of trained intellect. That he acquits himself creditably under such circumstances many employers can attest.

Much of the abuse to which the walking delegate is subjected to-day proceeds from ignorance. A majority of human institutions, although founded on correct principles, have nevertheless developed abuses in the course of their history. The labor union is no exception to this rule.

But with the almost general recognition of labor unions of skilled workers by employers, there has come a change

in the walking delegate. Commonly speaking, he is an improvement over his predecessor of former days.

"It is not a 'bruiser,' but a diplomat, that we need for a walking delegate," said a man in a meeting of his union recently, when nominations for walking delegate were being made. "The day of 'slugging' is past, and intelligence must take its place. We must select our representative with that idea in our minds if we are to meet with success."

Outlook. 97: 465-71. February 25, 1911.

Case Against the Labor Union. Washington Gladden.

Another fact has some significance. Twenty-five years ago there was much inquiry among employers about industrial partnership, or profit-sharing, as it was rather unhappily named. I had written something about it, and I used to get letters from employers very frequently asking about the working of such plans. These methods are not much talked about in these days. The impulse to associate the men with the masters seems to have spent its force. The lessening importance of this feature in the industries of the present day is an indication of the growing alienation of the two classes.

This condition of estrangement—this growing hostility between the wage-workers and their employers—is the serious fact with which the country is confronted. The fact may be questioned, but those who have been familiar for thirty years with the drift of public feeling can have no doubt about it. The relations between the men who work for wages and the men who pay wages are distinctly less friendly than they were twenty years ago.

Who is to blame for this? Each class blames the other; probably they are both to blame. There are not many quarrels in which the fault is all on one side. Let me see if I can state the case as it lies in the mind of the average employer. There are many employers below the average, intellectually and morally, whom I do not hope to convince; there are some quite above the average who do not need to be convinced; I am not trying to represent either of these

classes, but rather that large majority whose opinions and practices tend to prevail in the employing class.

In the judgment of these gentlemen, the trouble in our industries is largely due to trade unions. It is the misconduct of the trade unions that is the cause of all this alienation and hostility which now prevails in the industrial world. Many of these gentlemen say that they are not opposed to trade unions: that they believe in them when properly constituted and managed. Others frankly declare that trade-unionism in all its moods and tenses is an unmitigated evil; that the only hope for the country is in its extermination. I have lately heard employers who, on all other subjects, are as kind-hearted and fair-minded as any men I know, saying that, rather than permit any kind of trade union to get a footing in their works, they would close their factories and go out of business. What all these gentlemen chiefly lay emphasis upon is the misconduct of the unions, many instances of which are specified.

The indictment is easily sustained. It cannot be denied that in the attempt to protect themselves against oppression the unions have made many rules and restrictions which are often extremely vexatious to all who deal with them. All our neighbors are ready with tales of the annoyances and injuries which they have suffered by the enforcement of these petty rules by trade unions. A woman of fine intelligence living in a country village not long ago rehearsed to me her own experience with a gang of men who were working on a drain that ran from her house across her lawn. The ditch had been dug and the pipe nearly laid when their quitting time came, at half-past four in the afternoon. A violent storm was approaching, and the ditch would be flooded with water and great inconvenience and expense would be caused if the ditch were not filled in; and the good woman begged these men to throw back the dirt; but they sat down on the bank and would not lift a finger. She took up the shovel herself and filled in a considerable part of it, but they refused to come to her relief. Conduct of this sort is not rare on the part of trade-unionists, and it has done much, not only to exasperate employers, but to alienate the good will of the community at large. The kind of rules which are of-

ten insisted upon, regulating the co-operation of the trades, forbidding a plasterer to drive a nail or a plumber to do the simplest task which belongs to a bricklayer, rigidly fixing the hours of labor and making it a misdemeanor for a workman to finish a job if fifteen minutes of work remain at the closing hour—all such petty restrictions are a just cause of complaint. They require men to act in outrageously disobliging and unneighborly ways; they are a training in ill nature and unfriendliness. Cases frequently come to my knowledge of the behavior of union men acting under the rules of their trade, by which intolerable inconvenience is inflicted, not only upon their employers, but upon customers for whom the work is done. When I hear such stories, I am able to understand why it is that many employers and many persons who do not belong to the employing class are so bitterly hostile to trade unions. I do not believe that these petty restrictions are necessary to the success of organized labor. On the contrary, I believe that they are a serious hindrance in the way of its progress. The small advantages which are secured by means of them are more than neutralized by the ill will which they engender in the breasts of those whose good will the unions greatly need.

The opposition of the unions to prison labor is another count in the indictment. This rests upon a narrow view of advantage which helps to discredit the unions. Here, again, a small gain to a class is suffered to outweigh a heavy loss to society. The injury which prison labor could inflict upon organized labor is inconsiderable; the damage which would be done to the prisoners by keeping them in idleness is enormous. The unions greatly injure their own cause when they adopt a policy which sacrifices the general welfare to their own interest in a manner so flagrant.

It is often charged against the unions that they cripple production by restricting the output of industry through deliberately reducing the speed of their labor and conspiring to make the job last as long as possible. There are those who believe that it is the conscious policy of all unionists to get the largest possible wage and do the least possible work in return for it. I think it quite possible that there are some workingmen who would regard this as a legitimate policy,

just as there are not a few employers who mean to give the laborer no more than they must and to get out of him as much work as they can. Undoubtedly the notion has prevailed among workingmen that there exists a definite amount of work to be done, and that it is good policy for those who are working by the hour to use up as many hours as possible in the performance of the work. That policy, however, does not control all unionists. The more intelligent among them are fully aware of its foolishness. "To do too much work," says John Mitchell, "is supposed, sometimes, to be 'hogging it,' to be taking the bread out of another man's mouth. This may occasionally be more or less true, although even in such cases the employer has rights which should be respected and a man should do—as he ordinarily does do—a fair day's work for a fair day's wage. For the whole of society, however, the theory is not true. Within certain limits, the more work done, the more remains to be done. The man who earns large wages in a blacksmith's shop creates a demand for labor when he spends his wages in shoes, clothes, furniture, or books; and a large production tends to make these products cheaper. To render work more expensive merely for the sake of restricting output is to lessen the amount of work that will be done, and it is only by doing a fair day's work that a fair day's wage can be permanently maintained. The wages of workingmen, sooner or later, fall with any unreasonable restriction on the output; and, what is of still more importance, the habit of slowing up work permanently incapacitates the workman for continued and intense effort." This extract shows that one labor leader, at least, recognizes the fatuity of do-lessness, and a fact so patent is not likely to be long concealed from the rank and file of unionists.

In one respect the policy of restriction is justifiable. In piece-work the tendency is always toward an unjust and oppressive reduction of wages. The most rapid and skillful workers set the pace, and the employer is inclined to fix the price so that they can make only a reasonable day's wages. This brings the average workman's earnings down to a very low figure. In such cases the protest of the unions against speeding and price-cutting is not unreasonable. Some ad-

justments need to be made by which men of exceptional skill may get the advantage of their superior ability without unfairly lowering the compensation of those who are equally faithful but somewhat less expert.

It is, however, in connection with the enforcement of their demands for improved conditions by means of strikes that the gravest charges are brought against the unions. There are those who deny the right of the unions to use the weapon of the strike; who assert that the resort to this method of industrial warfare is wholly unjustifiable. The discussion of this question must be deferred until the following article; I must ask my readers to let me assume that this right belongs to organized labor. Perhaps they may be willing to allow, for the sake of the argument, that if one man may decline to work for less than a certain wage or more than a certain number of hours, several men may unite in this refusal; and that it is only by uniting with others that any workingman can secure consideration of his claims. I do not, therefore, admit that their assertion of the right to strike is any part of the case against the unions. At present I am concerned with those concomitants of strikes which are rightly held up to reprobation—the violence and brutality, the coercion and vandalism, which frequently attend industrial conflicts.

The existence of such conditions is undeniable and deplorable, and the greater part of the odium from which unionism is suffering in the public mind is due to these conditions. Workingmen who take the places which the strikers have left are insulted, beaten, sometimes killed; the property of the employer is destroyed; his buildings are burned or blown up by dynamite; his business is assailed by criminal depredation.

For all such deeds of lawlessness there is neither justification nor excuse. They are utterly and brutally wrong; they simply mark a reversion to barbarism. Men have a right to unite in a demand for better industrial conditions and to unite in a refusal to work unless those conditions are supplied; they have a right to dissuade other men from taking the places which they have vacated, and to use all the moral influence at their command to this end; but when

they resort to coercion and violence in enforcing this demand they pass beyond the limits of toleration, and become enemies of society. There is no room in American civilization for practices of this nature; and the unions have no business on their hands more urgent than that of putting an end to coercion and violence in connection with strikes, no matter at what cost to themselves. They can never win by these methods. They succeed only in arraying against themselves the bitter and determined opposition of those classes in society without whose support they cannot hope to establish their claim.

It is not the enemies of unionism who say this. The men who have the best right to speak for unionism are as clear and positive in their denunciation of violence as could be desired. Take these words of John Mitchell:

"Above all and beyond all, the leader intrusted with the conduct of a strike must be alert and vigilant in the prevention of violence. The strikers must be made constantly aware of the imperative necessity of remaining peaceable. . . . Under no circumstances should a strike be allowed to degenerate into violence. . . . A single act of violence, while it may deter a strike-breaker or a score of them, inflicts much greater and more irreparable damage upon the party given than upon the party receiving the blow. . . . It is sometimes claimed that no strike can be won without the use of physical force. I do not believe that this is true, but if it is, it is better that the strike be lost than that it succeed through violence and the commission of outrages. The cause of unionism is not lost through any strike or through any number of strikes, and if it were true that all strikes would fail if physical force could not be resorted to, it would be better to demonstrate that fact and to seek remedy in other directions than to permit strikes to degenerate into conflicts between armed men. . . . The employers are perfectly justified in condemning as harshly as they desire the acts of any striker or strikers who are guilty of violence. I welcome the most sweeping denunciation of such acts, and the widest publicity that may be given to them by the press."

I hope I have made it clear that the resort to violence is

not an essential element in trade-unionism; that its leading representatives discountenance and denounce it. Some of the greatest and most successful strikes have been attended by little violence. This was true of the anthracite strike and of the recent strike of the cloakmakers in New York. In connection with many strikes much violence has occurred, and it is the common habit of the newspapers and of a class of social moralists to charge all this upon the strikers. In the great majority of cases, however, the strikers have little or nothing to do with it. Much of this lawlessness is the work of disorderly and turbulent persons who have no interest in the contest, but who seize upon this opportunity for indulging their destructive propensities.

All that I now wish to insist upon, however, is that the strikers in any given labor conflict are not to be held wholly responsible for the superheated social atmosphere which surrounds them, and which produces the acts of violence by which strikes are often disfigured. For that dangerous social condition the people who are so eager to put down the violence with an iron hand might often find themselves pretty largely to blame. And in such a disturbance the bystander is sometimes reminded of the story of the wolf who was going to devour the lamb because the lamb had roiled the water. I do not doubt that the hot words of the strikers in such cases often add fuel to the flame of social discontent, and that the strike is made the occasion of outbreaks of disorder; my only contention is that the deeper causes of this angry feeling must not be ignored. No strike in these days is an isolated phenomenon with a purely local cause; and no one can rationally deal with it who does not comprehend its relation to the prevailing social unrest.

Two other counts in the indictment against unionism must be treated very briefly. The first is the sympathetic strike. I am unable to join in the unqualified condemnation of this method of industrial warfare. The act of a trade union in supporting an affiliated union in its struggle for better conditions, when no advantage to itself can be hoped for as the result of its sacrifice, is certainly generous and heroic. The motive is not unworthy. It may be doubted, however, whether it is wise as a general rule for the workers

in one union to take up the quarrel of another union. They may be supposed to know the conditions of their own trade; it is nearly impossible for them to know equally well the conditions of other trades, and they may be supporting demands which are unjust and impracticable. Sometimes such a strike involves the violation of a contract, expressed or implied, with their own employers; in such a case they are putting generosity before justice, which is bad morality. The bituminous coal miners were right when they refused to violate their trade agreement with the operators by a sympathetic strike in support of the anthracite miners. And Mr. Mitchell is teaching good doctrine when he says: "There can be no doubt that, upon the whole and in the long run, the policy of striking in sympathy should be discouraged."

The other case referred to is that of the secondary boycott. It is quite true, as the unionists point out, that the boycott, in one form or another, is in almost universal use. The withdrawal of patronage from those whose conduct, for one reason or another, we disapprove, is not a thing unheard of. It is by no means uncommon for groups, professional or commercial, to express their dislikes after this manner. And there are few among us who are in a position to throw stones at a trade union which refuses to patronize an employer with whom it is in controversy. The primary boycott is a weapon which may be greatly abused and which a severe morality would be slow to commend, but in existing industrial conditions the unions cannot be severely censured for using it.

The secondary boycott is quite another story. The union may boycott the employer with whom it is at war, but when it proceeds to boycott all who will not boycott him, it is carrying its warfare beyond the limits of toleration. "To boycott a street railway which overworks its employees and pays starvation wages is one thing," says Mr. Mitchell; "to boycott merchants who ride in the cars is quite another thing, and to boycott people who patronize the stores of the merchants who ride in boycotted cars is still another and a very different thing." The dealer who can be coerced by such a threat is a man whose friendship is not worth much to the union, and the enormous accumulation of ill will in

the community which such a practice always engenders is a heavy price to pay for such advantages as it may secure. There is no gainsaying that the frequent resort to the secondary boycott is costing the unions much in the loss of friends whom they greatly need.

I have not mentioned all the charges which are made against unionism, but I have dealt, as I believe, with the most serious of them. It has been made to appear that unionism is subject to some serious abuses. I hope that it has also appeared that these abuses are not essential parts of the system, and that they are not incurable. Neither the petty restrictions upon work, nor the ban on prison labor, nor the lessening of the output, nor the violence attendant upon labor struggles, nor the sympathetic strike, nor the secondary boycott can be counted as a necessary feature of unionism. All are perversions of its true functions, excrescences which may be purged away.

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